



Public Document Pack

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13 March 2025

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 26 March 2025 at 2.00pm** and you are requested to attend.

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

PLEASE NOTE: 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].

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 ONLINE 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. **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

5. **BE/134/22/OUT LAND WEST OF BERSTED**

(Pages 1 - 76)

PLANNING APPLICATIONS

6. **M/49/24/PL LAND SOUTH OF ANCTON LANE, MIDDLETON ON SEA** (Pages 77 - 108)
7. **A/39/23/PL, LAND WEST OF BROOK LANE AND SOUTH OF A259, ANGMERING BN16 3JL** (Pages 109 - 130)
8. **BR/236/24/PL, BOGNOR REGIS FOOTBALL CLUB, NYEWOOD LANE, BOGNOR REGIS PO21 2TY** (Pages 131 - 144)
9. **WA/102/24/PL, LONGACRE, THE STREET, WALBERTON BN18 0PY** (Pages 145 - 166)
10. **Y/68/24/S73, LAND SOUTH OF A259 AND WEST OF STANHORN GROVE** (Pages 167 - 176)

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 :

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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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Report following a request for further information, negotiations or consultation

REF NO: BE/134/22/OUT

LOCATION: Land West of Bersted

PROPOSAL: Outline application with all matters reserved except access for demolition of existing structures and mixed use development to provide residential dwellings (Use Class C3), care home/senior living accommodation (Use Classes C2/C3), employment floor space (Use Classes B2/B8/C1/E), retail and community floorspace (Use Classes E/F2/Sui Generis), a three-form entry primary school and spine road plus associated open space, landscaping, drainage and all other associated ancillary works. This application also lies within the parish of Pagham, may affect the setting of a listed building, affects a Public Right of Way, falls within strategic site SD3 and is subject to an Environmental Statement.

The application was considered at Committee on 29 January 2025. The Committee voted to defer the application for the following reasons:

- 1) To review the affordable housing mix to see if a mix come closer to the Council's interim housing policy could be secured; and
- 2) To produce a note on the highways for the junctions on Chalcraft Lane that had not been looked at to consider the likely impact of the development on these junctions.

1. AFFORDABLE HOUSING MIX

The applicant has submitted a 'Viability Addendum - Affordable Housing Scenarios (24 February 2025), prepared by Turner Morum. The addendum has assessed the impact the variation of the affordable housing tenure mix has upon the overall affordable housing provision.

A 50/50 tenure split between affordable rent and shared ownership was proposed which secured a 10% provision of affordable units (a total of 217 affordable units). The deferral by the Committee was to review whether a policy compliant mix (67% affordable rent and 33% interim) could be secured.

The addendum report demonstrates that if a higher proportion of affordable rented dwellings are provided this results in the overall provision of affordable units being reduced. This is because the value generated by affordable rented dwellings is lower than that generated by shared ownership dwellings. Therefore, the addendum report identifies that a tenure split of 67% (affordable rent) and 33% (intermediate) would result in an affordable housing provision of 9.47% (204 dwellings). This would result in a reduction from the 220 units previously proposed.

The addendum report has been shared with the Council's Viability Consultant (Carter Jonas) who has advised that the conclusions of the review are robust and that the percentage splits tested reflect the development values that can be achieved from sales receipts of the various housing tenure types.

The Council's Affordable Housing Officer has also been consulted on the report and have advised that of the options assessed through the addendum report a higher provision of affordable rented dwellings would be preferable and as such the identified 9.47% (204 dwellings) at a policy compliant split of 67%/33% is supported.

Given the comments from the Council's Affordable Housing Officer and confirmation from Carter Jonas that the addendum report is accepted the officer recommendation in this case would be that an affordable housing provision of 9.47% (204) dwellings with a tenure mix of 67% affordable rent and 33% intermediate housing is adopted and forms the affordable housing approach for the Section 106 agreement.

2. HIGHWAYS

Following the deferral of the application, the applicant has prepared a Highways Technical Note (received 28 February 2025) which assesses the traffic impacts of the proposed development upon Chalcraft Lane in more detail.

The Transport Assessment Traffic Modelling originally submitted in support of the planning application did assess the impact of the proposed development on Chalcraft Lane, both during the construction and operational phases. The junctions previously tested on or close to Chalcraft Lane included:

- Chalcraft Lane/North Bersted junction.
- Chalcraft Lane/West Meads Drive.
- Chalcraft Lane/new site access.
- Chalcraft lane/Hewarts Lane.
- Lower Bognor Road new junction 13.
- B2166/Aldwick Fields.

The additional Highways Technical Note (28 February 2025) consists of a manual classified turning counts (CTCs) and queue length survey. These surveys were undertaken on Wednesday 12 February (during term time) between 07.00-10.00 and 16.00-19.00 to coincide with the morning and afternoon peak periods. They surveys were undertaken for the following junctions:

- Lower Bognor Road/Chalcraft Lane/B2166 (TA reference: Junction 9).
- Chalcraft Lane/West Meads Drive priority junction (TA reference: Junction 8).
- The Hollies.
- Chalcraft Lane/Stroud Green Drive.
- Ffairfach Close.
- Chalcraft Lane/Central Drive.
- Chalcraft Lane/Central Avenue.
- Tara Perry Close.
- Chalcraft Lane/Bedford Avenue.
- Sun Park.
- Ashurst Close.
- Chalcraft Lane/North Bersted Street/B2259 double-mini-roundabout (the Royal Oak junction) (TA reference: Junction 7).

In addition two Automatic Traffic Counts (ATCs) were installed along Chalcraft Lane for a period of one week at the same time the junction surveys were carried out. These were located at the southern end of Chalcraft Lane (approximately 190m south of West Meads Drive) and at the northern end of Chalcraft Lane (approximately 70m south of Central Drive).

Journey times along Chalcraft Lane have also been assessed for the survey day (12 February 2025) using mobile phone data. The journey time data demonstrates that during the AM and PM peak hours the journey times along Chalcraft Lane are consistent.

Junctions on Chalcraft Lane have been reviewed using three different traffic flow scenarios (2025 base, 2031 future year and 2031 future year with development Phases 1 and 2) with TEMPro data added to represent background traffic growth.

The base 2025 traffic flows have demonstrated that during each peak the turning traffic flows exiting the T-junctions along Chalcraft Lane would be classified as very low, with the exception of the junction with Central Drive. Whilst, the predominant movement from Central Drive onto Chalcraft Lane was left, therefore traffic exiting Central Drive is not significantly delayed.

The 2031 Future Year data which includes background traffic levels (including Local Plan growth and committed development) and development traffic flows predicts an increase on Chalcraft Lane of approximately 67 vehicles northbound and 66 vehicles southbound in the AM peak period and 77 vehicles northbound and 74 vehicles southbound in the PM peak period. These are considered low and as such the impact on Chalcraft Lane, and by extension the T-junctions onto Chalcraft Lane, would be small and temporary, resulting in a negligible impact on operational capacity and journey times.

West Sussex County Council were consulted on the scope of the additional work and have been consulted on the additional Highways Technical Note. They have advised that there is nothing within the note that causes any particular concerns with the information supplied demonstrating that the increased traffic flow on Chalcraft Lane from the initial phases of development will be insignificant when viewed against a scenario without the development. WSCC therefore confirmed that they remain satisfied that no severe impacts upon the operation or safety of the highway would result from this development. It was also confirmed that the conditions and obligations identified as necessary by WSCC highways remain applicable to this development.

The Technical Note (28 February 2025) has demonstrated that the impact of Phases 1 and 2 of the Proposed Development (prior to the delivery of the spine road) would result in minor impacts upon the operational capacity and journey times along Chalcraft Lane and connected junctions. Therefore, the recommendation, conditions and S106 requirements remain unchanged from that previously proposed by officers.

HEADS OF TERMS

The heads of terms has been updated to include the proposed trigger points for the affordable housing review mechanism. The review mechanism trigger points are now proposed at 50 and 75% of completions.

RECOMMENDATION

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

- a) Grant Planning permission subject to conditions and if necessary, make alterations to the wording of conditions which do not alter their purpose; and
- b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report and the Heads of Terms document with authority for any minor amendments to be authorised by the Group Head of Planning.

REPORT UPDATE

Application No: BE/134/22/OUT

Reason for the Update / Changes

Updates:

1. WSCC Flood Risk Management Team

A letter from the Lead Local Flood Authority, dated 20th January 2025, confirmed that the Flood Risk Assessment and Sustainable Drainage Report update to confirm the climate change allowances had been considered were acceptable and in accordance with NPPF and development plan policy. No objection has been raised subject to conditions being attached to any consent. Five conditions and an informative are suggested as amendments to previously proposed conditions; the updates to Conditions 33-37 are outlined below.

2.WSCC Education Comments - Holding Objection

WSCC as Education Authority have been actively engaged during the determination of this planning application, all matters concerning education provision both on the site and off-site have been agreed and are included within the provisions outlined in the s106 Heads of Terms.

However, as identified within the Officer's Report there remains disagreement between WSCC as education authority and the Local Planning Authority on the revision of the methodology. Officers are not asking the Planning Committee to approve the revision of the secondary school transport contribution as WSCC Education Authority have agreed the proposed £3,871,800 along with revised trigger points based on viability.

3. Additional Information from Applicant

The applicant has confirmed that the Traffic Modelling did consider the impact of the proposed development on Chalcraft Lane, both during the construction and operational phases. The junctions tested on or close to Chalcraft Lane include:

- Chalcraft Lane/North Bersted junction
- Chalcraft Lane/West Meads Drive
- Chalcraft Lane/new site access
- Chalcraft lane/Hewarts Lane
- Lower Bognor Road new junction 13
- B2166/Aldwick Fields

The scope of our Transport Assessment, including the specific junctions that assessed in terms of capacity, was agreed with both West Sussex County Council (WSCC) Highways and National Highways. The scope of our Chalcraft Lane sensitivity testing was agreed with WSCC Highways and is within the scope of the original Transport Assessment.

The Transport Assessment scope was based on the predicted traffic flows through each junction - only those junctions where material volumes of proposed development traffic were predicted to pass through were assessed. This was in accordance with Transport Assessment best practice and again was agreed with WSCC Highways and National Highways.

The distribution and assignment of traffic across the road network was based on a combination of Office for National Statistics (ONS) Census origin-destination data and WSCC's strategic traffic model, in order to accurately represent existing and expected future route choices within the local area.

Traffic route choices are determined by journey times - even where queuing is taken into account, journey time data shows that the main routes and junctions, which have been considered as part of our assessment, form the quickest routes for through traffic.

The traffic modelling confirmed some disruption during early phases before the new link road opening at the end of year 4 of development, when up to 225 dwellings would access the site's southern end. No highways or planning impacts were identified that would have required the link road to be open before the suggested phasing.

Once the new link road is open, the traffic flows along Chalcraft Lane will be reduced, traffic calming measures are being proposed at this time to help manage traffic movements and create a safer and a more pedestrian/cycle-friendly street. The indicative scheme proposed by the applicant will be subject to consultation with local residents and WSCC Highways prior to any works being implemented.

4. Planning Conditions and s106 Heads of Terms

WSCC as the Lead Local Flood Authority (LLFA) had requested amendments to the wording of conditions 33-37. However, the Council's Drainage Engineers had already made recommendations for their amendment which were included as part of the original recommendation. Therefore, the conditions remain as originally proposed by officers.

A condition has been added to limit the water usage to 110 litres per day for each dwelling (Condition 58).

Additional Informative to be included:

Informative:

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals

Informative:

The applicant is advised that water butts are to be provided where possible to make a positive contribution to reduce surface water and meet sustainability objectives.

The proposed Conditions should be read alongside the s106 Heads of Terms, which include a range of contributions, including works to Chalcraft Lane to be implemented once the new link road is complete and open, the final scheme to be subject to consultation, a redirected bus service, health care centre and triggers for payments and implementation of the various mitigation measures.

Note: The changes to conditions are attached on the amended replacement 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: BE/134/22/OUT

LOCATION: Land West of Bersted

PROPOSAL: Outline application with all matters reserved except access for demolition of existing structures and mixed use development to provide residential dwellings (Use Class C3), care home/senior living accommodation (Use Classes C2/C3), employment floor space (Use Classes B2/B8/C1/E), retail and community floorspace (Use Classes E/F2/Sui Generis), a three-form entry primary school and spine road plus associated open space, landscaping, drainage and all other associated ancillary works. This application also lies within the parish of Pagham, may affect the setting of a listed building, affects a Public Right of Way, falls within strategic site SD3 and is subject to an Environmental Statement.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks outline permission with 'Access' only to be determined at this stage. All other matters are 'Reserved' for later assessment. The development includes the provision of up to two care home/senior living facilities within close proximity of the proposed local centres. The local centres would include retail shops as well as potentially health care facilities and a tier 7 library facility. The application also proposes a new 3-form entry primary school to meet the needs of future occupiers of the development.
SITE AREA	144 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 15 dwellings per hectare if 2,200 residential units are delivered.
TOPOGRAPHY	The site is mainly flat and comprises arable land which features hedge and tree lined boundaries. Internally the site is bisected by a rife which runs east to west and man-made drainage ditches with limited surviving 'natural' field boundaries. The Development Site lies on a gently sloping coastal plain between 10m and 5m AOD and is primarily flat.
TREES	Tree Preservation Order (TPO/BE/3/20) relates to the entire Strategic Site identified under Policy SD3 West Bersted. This affords protection to key trees and groups of trees that meet the requirements for protection. Many of the trees are located along field boundaries, ditches and rifes as well as boundaries with local roads.
BOUNDARY TREATMENT	The outer boundaries are defined by mature trees and indigenous hedgerows including ditches. In certain locations, ditches/boundaries are crossed by Public Footpaths. In the northeast corner there are a number of reservoirs and ponds (many of which are constructed features intended to support the irrigation and drainage of the agricultural land), and existing buildings (including a few structures at Park Farm

which date to the 19th century) which will be removed and/or demolished as part of the Proposed Development.

SITE CHARACTERISTICS

The site is currently in agricultural use. Access is currently achieved via a network of public footpaths that bisect the site. Vehicular access is achievable via Chalcraft Lane, Lower Bognor Road and the A259.

CHARACTER OF LOCALITY

The site is located to the west of Bersted to the north of Chalcraft Lane, on the northern outskirts of Bognor Regis.

Its staggered southern boundary is formed by Chalcraft Lane, Perryns Road and Chalcraft Lane Cemetery. The eastern boundary is staggered and is bound by the recently approved Nursery Fields site and its access road ('reserved' matters for 225 dwellings was approved under reference BE/1/23/RES); the residential development to the west of New Barn Lane (99 dwellings approved under references refs. BE/29/19/PL & BE/37/19/PL - Linden Homes); the Orchard Caravan Park and to the north east; and Loats Lane where it abuts the A259 at the junction the North Bersted Bypass / B2259 Chichester Road.

The majority of the northern and western boundaries are adjacent to Park Farm Cottages, the listed Morells Farm and its agricultural fields. Continuing south of Morells Farm, the boundary of the site steps westward and abuts the B2166 Lower Bognor Road and continues southward to the junction with Chalcraft Lane.

The wider area to the south and east of the site consists predominantly of residential development. Bognor Regis town centre and railway station are located approximately 2km to the southeast of the site.

The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site.

RELEVANT SITE HISTORY

BE/1/23/RES	Approval of reserved matters following BE/148/20/OUT for 225 No dwellings. This site affects a Public Right of Way and falls within Strategic Site SD3 CIL Zone 1 (Zero Rated).	ApproveConditionally 10-08-23
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BE/65/17/EIS	Scoping Opinion for mixed use development to include up to 2300 new homes, up to 10 ha of employment land, a 3 Form Entry primary school, a local centre & associated infrastructure	Scoping Issued 26-06-17
BE/148/20/OUT	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.	Refused 01-04-21 Appeal: Allowed+Conditions 12-04-22
BE/81/20/OUT	Outline application with all matters, except for access, reserved for the development of up to 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure.	App Cond with S106 23-03-21
BE/77/16/OUT	Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.	Called In by DCLG/SD 09-01-17 Appeal: Allowed+Conditions 12-02-18
BE/29/19/PL	Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane.	App Cond with S106 23-08-19
BE/37/19/PL	Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane (alternative scheme to BE/29/19/PL).	App Cond with S106 23-08-19
BE/113/17/RES	Approval of reserved matters following outline consent BE/18/17/PL for appearance, landscaping, layout & scale for a mix of up to 90No. residential units, associated open space, landscaping, access & car parking	ApproveConditionally 12-12-17
BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-16

The Application was preceded by a Scoping Opinion submitted under reference BE/99/20/EIS which confirmed that the proposed development should be subject to Environmental Impact Assessment (EIA) to ensure that any likely significant effects can be identified, and mitigation and monitoring measures specified as required. This has also been confirmed in the West Bersted Scoping Opinion issued by Arun District Council dated 26 June 2017.

This Application was prepared following consultation with key stakeholders and the public as set out in the Statement of Community Involvement. The Framework Masterplan for the whole of the allocated site, prepared by Scott Brownrigg, was endorsed by ADC in September 2020. The Framework Masterplan has been prepared in accordance with and includes reference to the high level development principles for the application site which were agreed with Members prior to its preparation and submission.

Planning permission has previously been granted for development within the strategic allocation for a total of 295 dwellings. This consists of Nursery Fields to the south-east (BE148/20/OUT), Chalcraft Nursery which is next to Nursery Fields (BE/81/20/OUT) and New Barn Lane to the east of the allocation (BE/77/16/OUT). Although, it should be noted that BE/81/20/OUT has now expired and no reserved matters application was submitted for the 20 residential dwellings proposed.

REPRESENTATIONS

BERSTED PARISH COUNCIL - OBJECTION (13.12.2022 and 04.08.2023)

Original objections still stand with additional objections put forward. Objections include:

Transport:

- Outdated TRICS information that does not show the true reflection/impact on the A259 and A27.
- National Highways require updated TRICS information.
- WSCC concerns including the configuration of new roundabouts on the A259; realignment of the Lower Bognor Road / Chalcraft Lane roundabout; cycle and footpaths proposed.
- Phasing is a concern with the Spine Road not being in place until 2036/37.
- The Spine Road should start from north to south, not the proposed phasing of phase 1 north, phase 2 south due to the pressure on surrounding roads.
- No mitigation given for construction traffic using the A259, Chalcraft Lane, Lower Bognor Road and will add to congestion.
- If approved, a haul road should be in place at the start of construction.
- Traffic calming Chicanes for Chalcraft Lane should only be put in once the Spine Road is completed.
- Fire & Rescue should be consulted as the chicanes could hamper access at Bognor Road station in West Meads Drive.

Wastewater:

- Southern Water need to provide further details on wastewater disposal. The Applicant stated in the Environmental Statement summary E8, 3 p29 that 'A strategic approach to managing foul flows remains under investigation but Southern Water remain confident a suitable solution will be provided within the timescale of the application.'

Flood Risk/Drainage:

- The Environmental Statement (ES) refers to the fact that construction will permanently change the Natural Drainage Regime increasing flood risk for residents in New Barn Lane, Loats Lane, Hewarts Lane and also the Aldingbourne Rife.

Loss of Greenfield:

- Since the Local Plan was agreed and with loss not capable of being mitigated for, Covid plus the Ukrainian War increases the importance of greenfield agricultural land.

- Amendments to the Regeneration Bill allows councils to build fewer homes, where meeting targets would significantly change local character suggests a growing realization of the importance of greenfield.

Healthcare:

- A Health Centre has not been included in this application.

Education:

- Does not include provision of a secondary school which will be needed if approved.

Allotments/War memorial:

- Monies should be set aside in the S106 agreement for the groundwork preparation of allotments and a war memorial site.

ALDWICK PARISH COUNCIL - OBJECTION (08.09.2023)

- Chalcraft Lane is an important east-west transport link locally between Pagham, Aldwick, Bersted and Bognor Regis - the traffic calming measures proposed are overbearing.

- There has been no traffic modelling on the impact on Pagham and Aldwick.

- A lack of any mitigation at the B2166 despite prior modelling demonstrating that this would adversely impact the Royal Oak junction.

BOGNOR REGIS TOWN COUNCIL - OBJECTION (08.12.2022 and 09.08.2023)

- Insufficient information in the form of an effective Transport Assessment with the response from National Highways raising concern.

- Negative impact that the development could have on the infrastructure of Bognor Regis with increased traffic movements on roads already known for their congestion.

- Applicant has failed to demonstrate whether the proposed development would have an acceptable impact on the safety, reliability and/or operational efficiency of the road network, contrary to paragraphs 110 and 113 of the National Planning Policy Framework 2021.

- Lacking in the provision of services such as dentists and doctors.

- Layout and density of buildings amounts to over-development.

- Overdevelopment concerns heightened due to the land being prone to flooding and reports of the current sewerage system being inadequate.

PAGHAM PARISH COUNCIL - OBJECTION (25.01.2023, 09.08.2023, 30.10.2024 and 02.12.2024)

Traffic/Roads:

- Exacerbating existing traffic capacity problems on local and strategic road networks.

- Network already exceeds capacity particularly at peak AM and PM hours.

- Roads are already in a poor state and susceptible to flooding.

- Rural roads are not suitable for more traffic and cannot accommodate construction vehicles.

- Both National Highways and WSCC Highways have concerns regarding mitigation measures for the site.

- The phasing does not include the spine road until 2036/37 yet no mitigation is proposed for local roads until it is in operation.

Foul Water:

- Concerned that the applicant is relying on Southern Water to fund a solution for the management of foul water.

- With a proposal of this size, there must be certainty before permission can be granted.

- Infrastructure must be in place before the site is occupied.

- Moving sewage with tankers cannot be an option.

Education provision:

- Not considered sustainable as there is no provision for secondary education in the application.
- WSCC will advise that The Regis School is at capacity, not able to expand to take the children that will live at this development.
- ADC have not yet secured planning permission for a school in the District.

Loss of Agricultural Land:

- Loss of Agricultural Land is a concern as it is important for the UK to retain its ability to grow its own food.
- The site is productive and has a better yield for farmers.

Community Hub:

- Policy H SP2a requires provision of a community hub with a new healthcare facility to provide care not only for this site but also sites in Pagham.
- During Advisory Group meetings, it has been indicated that a new healthcare facility will not be delivered.
- Permission should be refused until such time that healthcare facilities are guaranteed, and the developer also be made aware that it is not possible to expand the current Grove House facilities.

Ecology

- No mitigation for lost habitats has been provided for Brent Geese that over winter at the site.

Affordable Housing

- The reduction in affordable housing from 30 % to 10%, is only permissible in 'exceptional circumstances'. Rising build costs should not be considered 'exceptional circumstances', 10% affordable housing does not meet the requirements of policy SD3.

THIRD PARTIES: OBJECTIONS

126 Representations have been received including a representation from the Bognor Regis Regeneration Board (recorded twice).

The Objections raised are summarised as follows:

- Lack of public consultation and engagement, display of yellow notice did not occur or was late, Church Commissioners did not fully engage the local community.
- Allowing this application will destroy the very heart of the community.
- Contrary to the Integrated Regional Framework document.
- Overdevelopment / Excessive.
- Stop the delusion that infrastructure is not the LPAs responsibility.
- Lack of infrastructure / existing systems for sewerage discharge and surface water drainage.
- Pollution of coastline with sewerage discharge.
- Flooding concerns related to the site and B2166.
- Displacement and combination of the high-water table.
- Lack of/inadequate social infrastructure including primary and secondary schools, higher education, and health care (doctors, dentists) including struggling hospitals.
- A Health Centre is needed on site.
- No employment locally.
- Questionable traffic data with surveys carried out during Covid.
- Excessive traffic generation creating gridlock on roads and at junctions.
- Inadequate parking provision.

- Building roundabouts will not solve the traffic congestion issues unless all funding is upfront and completed before development is commenced. The Chichester Bypass needs to be built.
- Appears to rely on the goodwill of Stagecoach re-routing the 600 bus service but only when the spine road has been provided but will not happen unless they (Stagecoach) make money.
- Provision for safe pedestrian and cycle travel on roads lacking.
- Loss of public right of way.
- Loss of prime Grade A agricultural food producing land now more pressing with food shortages and should be protected as per Natural England comments.
- Reference is made to a letter from Felicity Buchan MP to Greg Smith MP regarding safeguarding agricultural food producing land making it harder for developers to build on.
- Environmental harm, carbon emissions, loss of flowers, wildlife including Brent Geese (despite ecology assessment indicating that no Brent Geese were seen over 4 days), Bats, birds of prey and other birds and mammals.
- Harm to visual amenities including view of the Downs.
- Harm to the countryside.
- Impact on listed building.
- Impact on health and well-being, quality of life of local people.
- Cost of properties and limited low-cost provision is meaningless.
- Housing design needs to be carefully considered.
- Housing targets are defective, and this allocation should be investigated as Government has withdrawn the need to comply with wholly unreasonable housing targets.
- Targets and the misguided presumption in favour of sustainable development need no longer blindly. Obediently and naively followed.
- Insufficient transport mitigation.
- In line with the UK Government's Net Zero (NCZ) policy and targets to reduce CO2 emissions by 78% by 2035. ADC should adopt BREEAM data.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is submitted in outline with all 'matters' Reserved apart from 'Access'. The matters raised in the representations will be reviewed in the topic areas below but in summary.

LOSS OF GREENFIELD / AGRICULTURAL LAND:

The site forms part of a Strategic Allocation under Policies SO DM1 and H SP2 of the adopted Arun Local Plan, and now falls within the adopted Development Boundary. The loss of greenfield land has been fully considered under the Local Plan process and the allocation of this strategic site with Policy SO DM1 providing exemptions for strategic sites.

TRANSPORT:

The highways impacts and safety considerations have been reviewed by WSCC Highways and National Highways, following clarifications on modelling data and amendments to the design of the site accesses no objections on highways technical grounds remain. Mitigation measures on and off site will be provided to ensure the impacts from additional traffic generated in the site are acceptable and measures to promote more sustainable modes of transit are provided.

In terms of the delivery of the Spine Road WSCC in their consultation response of 17 October 2023 have requested a condition to secure details of the timetable for delivery of the Spine Road. This is included as Condition 20 in the recommendation and will ensure that the Spine Road is delivered so as to avoid any unacceptable impacts upon safety or the operational capacity of the highways network.

OVERDEVELOPMENT:

The quantum of development has been set out in the Strategic Allocation under Policy H SP2a (SD3).

The plans are illustrative only and any approval of this application will not authorise the submitted layout, appearance, scale or density.

DESIGN/LAYOUT:

The Local Planning Authority (LPA) will retain full control of the detailed scheme through a reserved matters application at which point it will be appropriate to consider the detailed matters including layout, scale, design and landscaping. The illustrative Masterplan submitted for the site allocation is for outline purposes only and provides an impression as to how the site could be developed when interpreting the key principles and guidance contained in Strategic Allocation Policy H SP2 and the West of Bersted (WEB) Framework Masterplan endorsed by the Council in September 2020.

DRAINAGE

The Flood Risk Assessment and Drainage Strategy submitted as part of the application have been reviewed by the Environment Agency, Southern Water, WSCC Lead Local Flood Authority (LLFA) and ADC Drainage team, following several points of clarification no objection has been raised. A range of SuDS features will be implemented to ensure run-off rates are reduced taking into account climate change allowances.

ECOLOGY

The Strategic Site Allocation SD3 was the subject of a Scoping Opinion (BE/99/20/EIS prior to the formal lodging of applications including this site. At that stage, the Applicant was advised of the content and extent of an Environmental Statement which included full ecological surveys including Phase One Habitat Surveys and subsequent Protected Species Surveys. Full winter bird surveys were identified to be covered. Chapter I, Volume 1 of the Environmental Statement initially submitted provided the results of four wintering birds surveys including water birds. The formal Ecology Consultation responses considered the level of information to be acceptable and accepted the survey methods in respect of wintering birds. Brent Geese were not referred to specifically. Mitigation is recommended through a Farmland Bird Mitigation Strategy. ADC Ecology's consultation response indicated that Brent Geese were not present on site during any of the wintering bird surveys.

The proposed new open space on the site will account for approximately 40% of the site area, landscape features on the site including trees and hedgerows will be retained where possible, Biodiversity Net Gain (BNG) (using the updated matrix) of 10%+ will be achieved on site and will include compensatory planting where required.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**ADC ARCHAEOLOGY - NO OBJECTION**

- Agree with the conclusions of the Archaeology and Cultural Heritage chapter of the Environmental Statement including the combination of preservation in-situ and by record.
- Known areas of archaeological interest to be possibly retained within public open space with a management plan provided for maintenance, mitigation of groundworks or other potential harmful effects and to sustainable public interpretation. This needs to be agreed in advance of development and secured via a suitable planning condition.
- Where the significance of archaeological interest that cannot be preserved in situ, it should be recorded following the appropriate methodology as set out in Chapter 6 of the ES and preserved accordingly.
- The details of the investigations should be specified in a written scheme of investigation provided and agreed in advance of development and secured via a suitably worded condition.

ADC CONSERVATION OFFICER - COMMENTS

- No harm would arise to the rural setting of Lagnersh Farmhouse and Neals Farmhouse, and consequently, there is no harm to the overall significance of these heritage assets.
- The development would alter the current rural setting of Morells Farmhouse, changing the character of the landscape from rural to one which is distinctly urban.
- Less than substantial harm would arise to setting of Morells Farmhouse in accordance with paragraph 202 of the NPPF (2021) at the lower end of the scale.
- The application should be determined in accordance with the relevant policies within the Development Plan and account should be taken of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC DRAINAGE ENGINEER - NO OBJECTION

- If approved do not list the Flood Risk Assessment (FRA) or any of its appendices as an approved plan as the FRA and Drainage Strategy (DS) do not meet our design requirements.
- Standard conditions should be applied to ensure that the development is adequately drained and does not increase flood risk elsewhere and may need to be adapted to allow for the phasing of the proposed development.
- More assessments will be required as part of the Reserved Matters applications when the detailed design of each phase is understood.

ADC ECOLOGY - NO OBJECTION

No further comments provided to those issue on 16 February 2023 when no objection was raised subject to:

- a) a proportionate financial contribution towards Arun SAMM; and
- b) biodiversity mitigation and enhancement measures.

Sufficient survey work was carried out but an updated ecological assessment and updated protected species surveys will need to accompany any reserved matters application. Conditions requiring further surveys including water voles, badgers, lighting controls to protect bats, habitats and wildlife sensitive lighting, mitigation measures during construction are recommended.

Birds

Brent Geese were not present on site during any of the wintering bird surveys. The survey recorded Skylark territories on site with development impacting on only a small number. A Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Priority farmland birds, particularly Skylark are mitigated and compensated.

In addition, mitigation measures identified in the ES-Appendices 11, 12 and 13 should be secured by a condition and implemented in full.

ADC ENVIRONMENTAL HEALTH - NO OBJECTION

No objection is raised subject to the following matters being considered:

- Air Quality Assessment: Methodology, findings and calculations are found to be reliable. Recommends that any future permission granted is in accordance with the Air Quality Consultants report, to include the built in emission mitigation measures detailed in section MS.15 of 'Air Quality Assessment: Land West of Bersted, Bogner Regis' (dated July 2022) .
- Construction Dust Mitigation: The mitigation measures detailed in section M6.1 are included in site specific dust management plans for each construction phase of the development.
- Electric Vehicle Charging Points: Condition to be imposed to secure the submission of a scheme for the provision of EVC points to serve the development prior to the occupation of any dwelling.

ADC HOUSING ENABLING - NO OBJECTION / COMMENTS

The requirement is for 30% affordable housing.

Of the Affordable Housing, the following are to be secured including through a S106 Planning Obligation:

- 30% Affordable Housing across the site, subject to Financial Viability Appraisal reviews.
- Arun's Interim Affordable Housing Policy sets a requirement for 67% affordable rented dwellings; 25% First Homes and 8% other intermediate ownership providing a range of sizes and accommodation.
- Affordable rented accommodation should be set no higher than 90% of Local Housing Allowance levels.
- Ensure sufficient dwellings are accessible for those on the Council's Housing Register a minimum of 50% of the rented units area set at rent levels of no higher than 65% of open market value.

ADC LEISURE AND GREENSPACE: NO OBJECTION

Sports Pitch Provision

- Development would generate a need for 4 pitches which should provide for Adult football/ruby; Youth football; Cricket and a 3G pitch.
- The infrastructure delivery plan (IDP) states that the West Bersted development should include a 3G pitch, 2 grass pitches and facilities, and a community sports hub building. A number of 'half' pitches are shown in the calculations which means that after the provision of whole pitches unmet demand will remain. This can in part be met by the 3G pitch which is able to support a more intensive programme of matches.
- The 3G pitch should be located in close proximity to the sports hub building.

Leisure Provision

The Sports Hub Building facility should include:

- Club/community room.
- Sports hall.
- Fitness space.
- Changing rooms x4.
- Accessible changing room.
- Kitchen, servery and store.
- Cafe.
- Activity rooms / Workspaces.
- Toilets.
- Plant room.

The increased population will also create the need for additional swimming pool lanes, to be accommodated in a new leisure centre in the west of the district.

Public Open Space and Play Area Provision

- Local Areas of Play (LAP) - A LAP must measure a minimum of 100m² with proposals for appropriately located LAPs to be provided for review. The number of LAPs required is to be confirmed in reserved matters applications.
- Local Equipped Areas of Play (LEAP) - Three LEAPS being required. Proposals for appropriately located LEAPs to be provided for review, with one to be an enhanced LEAP in north of site.
- Neighbourhood Equipped Area of Play (NEAP) - Three NEAPs are required to for this development as follows:

South (associated with community sports hub):

- Large high-quality destination, inclusive play area.
- Skate Park.

Centre:

- Pump track.
- Fitness trail.

North:

- MUSA (multi-use sports area).

Details of contributions toward provision, maintenance sums and land has been provided and is included in Heads of Terms to be included in the S106 Planning Legal Agreement.

ADC TREE OFFICER - COMMENTS

Tree Preservation Order confirmed dated 17 June 2021. A Tree Preservation Order TPO/BE/3/20) covers the Strategic Site and includes trees predominantly along field boundaries and ditches, the eastern boundary with Park Farm, south of Morells Farm adjacent to the Lower Bognor Road; the boundary with the Nursery Fields site and along certain public footpaths as well as the A259 to the north-east.

A total of 42 trees including Oaks, Sycamores, Field Maple, and Ash Trees are protected as well as two Groups - G7 including Oak Trees at Chalcraft Nurseries site; and G26 - Oak and Field Maples at Yeomans Honda, Bersted.

CHICHESTER DISTRICT COUNCIL - NO OBJECTION

Acknowledged that this is an allocated site which represents a commitment in principle in the development plan. No Objection provided West Sussex County Council and National Highways are satisfied that the associated Traffic Assessment is correct, and that the proposal will not have adverse effects on the junctions of the A27 or compromise the capacity of the A259 or A27 at Chichester.

ENVIRONMENT AGENCY - NO OBJECTION

- Conditions and informatives suggested.

HEALTH AND SAFETY EXECUTIVE - NO OBJECTION

- Conditions/informative suggested.

Scotia Gas Network - NO OBJECTION

- Conditions/informative suggested.

NATURAL ENGLAND - STANDING ADVICE

- No comment on details submitted at this stage.

NATIONAL HIGHWAYS - NO OBJECTION

No Objection subject to the imposition of conditions.

Annexe A

The additional technical material submitted addressed the outstanding matters in relation to assessment of the development impacts.

Employment Trip Rates and Trip Generation

Recommended that the use of the flexible commercial space, new use class E, is restricted to certain sub-types via planning condition.

A27 / A259 / Vinnetrow Road (Bognor Road Roundabout)

Appendix B of the technical note dated 31 May 2023 presents the results of additional modelling assessment of the Bognor Road roundabout, which has been undertaken using a model of the Bognor

Road roundabout based on the 2017 Enterprise Bognor Regis (EBR) improvement scheme prepared for this purpose.

It is concluded that the impacts of the Bersted application proposals at this junction can appropriately be addressed via the implementation of the proposed EBR mitigation scheme (drawing reference 103800_0002). A planning condition is recommended for the EBR scheme or any alternative scheme, subject to appropriate technical approvals and agreement being reached with National Highways (NH).

A27 / 82145 Whyke Roundabout

Appendix B of the technical note dated 31 May 2023 presents the requested drawings and analysis of the queue lengths which are associated with the "with development" model results for the A27 / B2145 Whyke Roundabout. The supplied drawings demonstrate that the extended queues in this location will not interfere with any adjacent access, no objection subject to condition and legal agreement.

NATIONAL PLANNING CASEWORK UNIT - NO COMMENTS

- No comments on EIA.

NHS SUSSEX INTEGRATED CARE BOARD:

Email correspondence confirmed on site accommodation within the southern local centre preferred with parking spaces provided by the developer to a standard that is fit for immediate occupation by GP practice, specification to be agreed as part of the RM application - minimum floor area and consulting rooms to be set out in S106. Flexibility in the Legal Agreement sought for an either-or scenario where money towards expansion of an existing GP also provided and if required expansion of facility on site subject to NHS funding.

SPORT ENGLAND: SUPPORT (03.01.2023 & 31.07.2023)

- The new development should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.
- Additional need will be secured through a S106 legal obligation.
- Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types, and that the Council's own Sports and Open Space Developer Contributions Toolkit SPD adopted February 2020 uses the SFC as the basis for assessing the contributions.
- The proposal includes the provision of a community sports hub building in phase 7 that may possibly be able to accommodate some of this demand, subject to details of facilities and design.
- The development will need to contribute towards the provision of more specialised facilities off site including swim lanes.
- The use of Active Design in the Design and Access Statement in working up the detailed proposals as part of the RM application is supported.

STAGECOACH - COMMENTS

A new bus route as well as changing the routing of the 600 service to be given more consideration. Legal Agreement to provide a sum of £1400 per dwelling for a new or amended bus service on the site.

Service to grow throughout the build period to culminate in a 20-minute frequency between the development and both Bognor Regis and Chichester.

High quality bus stops and waiting areas must also form a part of the package to make bus services more attractive to a wider audience on and adjacent to the application site.

SOUTH DOWNS NATIONAL PARK - NO COMMENTS

Due to the location of the site, distance from the National Park boundary, and intervening development

(including Chichester) the SDNPA has no comments to make.

SOUTHERN WATER

- No foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete.
- The network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water who will liaise with the developer in order to review if the delivery of network reinforcement aligns with the proposed occupation of the development as it will take time to design and deliver.
- A condition is recommended regarding phased occupation of the development.

SUSSEX POLICE - NO OBJECTION

- Informative suggested to advise on www.securedbydesign.com where the Secured by Design (SBD) Homes 2019 Version 2 document, the Secured by Design (SBD) Commercial Development 2015 Version 2 document and the SBD New Schools 2014 Document.
- This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. Contributions are requested to be included in the S106 for staffing, premises and vehicles.

WSCC EDUCATION - HOLDING OBJECTION

- A breakdown of schools funding is proposed to accommodate the increased child yield arising from the development. - A new 3 form entry primary school with SEND and nursery school provision is proposed on the site, this is considered acceptable to WSCC and triggers for staged payments and housing numbers have been provided.
- The County Council as Local Education Authority, objects to the planning application unless transport costs to mitigate the additional costs to an alternative secondary school is provided. A cost per pupil has been provided by WSCC to be included in the S106 Agreement.

WSCC HIGHWAYS - NO OBJECTION

- Based on the information submitted, the proposals comply with the respective transport related requirements of the Local Plan Site Allocation Policy and the National Planning Policy Framework. Subject to appropriate conditions and S106 obligations to secure the associated highway works and mitigation, it's not considered that this proposal would result in any unacceptable safety or otherwise severe highway impacts.
- Comments provided on S106 Heads of Terms and impact on Phase 1 and 2 of the development on Chalcraft Lane provided.

WSCC HIGHWAYS PROW - COMMENTS

- Footpath (FP)134 upgrade of this Footpath to a 3m Bridleway built to PRow specification within the site and the creation of a Pegasus crossing where it crosses over the spine road is supported. A S106 contribution would be required for upgrading FP134 west of the site boundary.
- Footpath (FP)135 - Should be upgraded to PRow Bridleway specification. There is a need to ensure continuity for bridleway users heading south off of PRow FP134 is secured in perpetuity and also that the surface will be maintained to an acceptable standard. A connection is required between the Wellness Trail and FP135 at their southernmost points.
- Footpath (FP)136 will be upgraded to a 2m wide cycle - footpath through The Nursery Fields development and this proposal should be consistent.
- Footpath (FP)137 falls outside of the site boundary but parallel to the Wellness Trail. This part of the Wellness Trail is to be legally dedicated as a PRow. There should be a connection between the Wellness Trail and FP137 at their southern most points.

WEST SUSSEX FIRE & RESCUE SERVICE - COMMENTS

A planning condition for additional fire hydrant(s) for the proposed development is recommended.

WSCC LEAD LOCAL FLOOD AUTHORITY - NO OBJECTION

Satisfied that the applicant has sufficiently addressed our concerns raised in the response dated 5 February 2023 and the details are now in accordance with NPPF and local planning policy subject to conditions relating to:

- Submission of a scheme for the disposal of surface water by a means of sustainable drainage system as part of the Reserved Matters in accordance with the approved drainage strategy, referencing the Flood Risk Assessment and drainage Strategy dated March 2023 rev S2-P05 to include specific information/details.
- Prior to the commencement of each phase, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms shall then be constructed in accordance with the approved drawings, method statement and micro drainage calculations.
- Details and method statement of measures indicating how additional surface water run-off from the site will be avoided during the construction works for each phase.
- Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), to be submitted to and approved.
- Details of the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building.

WSCC MINERALS & WASTE - NO OBJECTION

Existing and allocated waste management facilities/sites must be protected from inappropriate neighbouring development that could prejudice their efficient operation. The ES Addendum submission confirms that adequate safeguards in terms of adjoining land uses and landscape buffers will be in place to ensure compatibility with the waste facility operations.

The applicant has provided a Waste Infrastructure Statement to demonstrate that the proposed development would not prejudice the Elbridge Farm Recycling Facility.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and discussed below.

POLICY CONTEXT

Designation applicable to site:

- Strategic Housing Allocation - West of Bersted (SD3) Built-Up Area Boundary Bersted Neighbourhood Plan.
- Grade 2 (very good quality) agricultural land with subgrade 3a 'good quality land'.
- Morells Farmhouse (Grade II listed) to north west of site separated by Morells farmland.
- Archaeological Notification Area.
- Tree Protection Orders (TPOs).
- Pagham Harbour Zone B.
- Within the Built Up Area Boundary.
- Within 5km of Pagham Harbour Special Protection Area/SSSI; Within 2km of Bognor Reef SSSI.
- CIL Zone 1 (Zero Rated).

DEVELOPMENT PLAN POLICIES

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

AHSP2 AH SP2 Affordable Housing

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

WSP1 W SP1 Water

Bersted Neighbourhood Plan 2014 Policy CLW1	Provision for the elderly
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES4	Buildings and structures of character
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

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

The Bersted Neighbourhood Development Plan (BNDP) was 'made' in 2014 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of 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, any local finance considerations, so far as material to the application, and any other material considerations
- (b) any local finance considerations, so far as material to the application,
- (c) any other material considerations.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development constitutes Environmental Impact Assessment (EIA) development as defined within Schedule 2 of the EIA Regulations. Specifically, part 10 (b) 'Urban Development Projects' threshold.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE:**

The application site consists of the majority of the strategic allocation identified through policy H SP2a (SD3 - West of Bersted) of the Arun Local Plan (ALP). Policy H SP2a identifies that SD3 (West of Bersted) should deliver at least 2,500 dwellings over the plan period. Additionally, it is identified that the strategic allocation should provide a new three-form primary school, new 3G pitch facility, two new sports pitches, a community hub (including shops, healthcare facilities and a tier 7 library), sustainable connections and new employment provision. As the proposed application site forms part of the strategic allocation under policy H SP2a (SD3) of the ALP, the proposed development constitutes sustainable development for the purposes of paragraph 11 of the NPPF.

This application proposes a development of up to 2,200 dwellings, which in combination with extant planning permissions falling within the allocation (SD3) results in a total provision of 2,495 dwellings. A Framework Masterplan for the entire allocation was submitted to Arun District Council and, following extensive consultation, the document (18723-SBR-ZZ-XX-RT-A-80204 Rev 13) was endorsed by the Planning Committee on 30 September 2020.

The proposed development has been considered against the endorsed Framework Masterplan and has been found to be consistent with it, ensuring that the West of Bersted strategic allocation has been comprehensively planned as required by policy H SP2 of the ALP.

Policy ES7 of the Bersted Neighbourhood Development Plan (BNDP) identifies that the development site is located outside of the built-up area boundary where development is not supported. In instances where a conflict is identified in the Development Plan, Section 38(5) of the Planning and Compulsory Purchase Act 2004 applies. This states that where a policy contained within the Development Plan conflicts with another policy the conflict must be resolved in the favour of the policy which is contained in the last document to become part of the development plan. This approach is also reflected through the NPPG (paragraph 099 reference ID: 41-99-20190509).

As the ALP (adopted 2018) post-dates the BNDP (made 2014) such conflicts must be resolved in favour of the ALP and as such policy H SP2a would take precedence in the determination of this application. Therefore, the development of this site for residential purposes is acceptable in principle, subject to consideration of the proposals against other relevant development plan policies.

It is also material that the Government has recently published a Written Ministerial Statement and a consultation on amending the NPPF and that the focus of these is to raise housing targets and turbo charge growth in order to build 1.5 million homes within the UK over the next five years. The changes proposed in respect of housing delivery and supply will result in an annual increase of 67 dwellings to Arun's Housing requirements. Whilst the WMS has only limited weight, it does clearly set out the governments policy position in respect of planning and this is exceptionally pro-supply and pro-development.

DESIGN AND LAYOUT

Policy H SP2 of the ALP requires development proposals within the Strategic Site Allocations to be

comprehensively planned and have regards to a masterplan endorsed by the Council. Further policy H SP2 sets out a 17-point criteria (a-q) for the design and infrastructure requirements for Strategic Site allocations.

As identified above, the West of Bersted Framework Masterplan was endorsed by the Council on the 20 September 2020 and establishes high-level development principles for the strategic allocation. Policy H SP2a (SD3 - West of Bersted) sets out a 10-point criteria which details site specific design and infrastructure requirements for this strategic allocation. The compliance of this development with these requirements as well as the endorsed Masterplan are set out below.

This application is submitted in outline and as such all matters save for access (including layout, scale, appearance and landscaping) are reserved and will be for determination through a subsequent 'Reserved Matters' applications. However, it is still necessary for the Council to consider the impact and acceptability of the development.

The design intent for the wider site is set out in the submitted Design Principles document and is further explained in the following supporting documents:

- Design and Access Statement.
- Landscape Strategy.
- Illustrative Masterplan.

The Design Principles document and Illustrative Masterplan identify how the site could be delivered within the scope of the parameter plans to ensure a scheme which responds positively to the established character of the wider locality whilst ensuring that amenity of existing development is protected. Whilst this detail is only indicative and as such is not to be approved as part of this application it has demonstrated that an appropriate scheme can be delivered within the scope of the parameter plans.

The key structural principles contained within the adopted Framework Masterplan that have been included within the Illustrative Masterplan include:

- Comprehensive design approach for the entire site.
- Residential led mixed-use community with capability of meeting a range of local housing need, providing quality homes for all. This will include both affordable homes and senior living facilities.
- Creation of a sustainable and liveable neighbourhood with a good range of community, education, sport, employment and retail/service facilities. This will include two local centres providing facilities for local people and good connections to community, health and education facilities.
- An extensive area of publicly accessible open space that acts to unify and connect the development and adjoining communities.
- SuDS features that are part of the landscape and consider climate change requirements, thus delivering betterment for the site and wider area.
- Central road connecting the north and south of the site with radial roads off this providing good connectivity by all modes of transit.
- Integration of existing Public Rights of Way into the wider network.
- Habitat protection and enhancement across the site, including tree and hedgerow retention and reinforcement.
- Provision of allotments, community orchards, connections along waterways and new green corridors that afford views into and out of the site towards the South Downs and Chichester Cathedral Spire.

Policy D SP1 of the ALP requires that all development proposals seek to make efficient use of land whilst reflecting the characteristics of the Site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Having regard to the intentions of the policy H SP2a (SD3), D SP1 and D DM1 of the ALP; as well as Policy ES1 of the Bersted Neighbourhood Plan (2014) the proposed development is deemed to encapsulate key design principles which demonstrates an illustrative layout that is in accordance with the key structural principles of the Framework Masterplan as well as incorporating the spine road which is an integral part of the Strategic Allocation.

Limited detail has been provided in relation to detailed design, which is not unexpected on an outline application with all matters reserved save access. However, it will be necessary to secure these details to ensure that the proposals accord with the guidance set out within the site allocation policy (H SP2a) and the Framework Masterplan. To ensure that the design of the development is consistent and responds appropriate to the surrounding character of development a design code masterplan will be secured prior to the submission of the first of the Reserved Matters.

The design code masterplan will ensure that a comprehensive approach is adopted in the development of the site with principles of road hierarchy, character areas, materiality and spatial pattern being defined to ensure that Reserved Matters applications are consistent and respond appropriately to the wider allocation.

Parameter Plan 4 (Access and Movement) identifies the key vehicular, cycle and pedestrian routes through the site. This includes points of connection with adjoining parcels to ensure that the development is permeable and adequately integrated with existing permitted schemes.

The Illustrative Highway Layout (A13395-WB-MP-100 Rev P07) includes indicative details of the proposed road designs for the Spine Road and residential routes. The spine road corridor is identified as being 30.75m in width and incorporates 5m wide footway/cycleways with 2m grass verges on both sides whilst the road is shown as being 6.75m wide. In addition, a 5m wide greenspace is proposed along with a 5m wide swale. This is in accordance with the parameter plans and ensures that a suitable primary route can be delivered. The residential routes (secondary roads) are shown as being 10.5m wide with a 5.5m carriageway and 3m wide footway/cycleways on one side and a 2m wide footway on the other. This is an appropriate width and design for a secondary route and will ensure that the development is able to achieve an appropriate road hierarchy to assist in legibility and permeability.

As design, scale, layout and landscaping are 'Reserved Matters' these will be for determination at a later stage. However, the overall framework and key principles identified through this submission will enable the delivery of a high-quality environment through the creation of a new edge to the existing settlement where landscaping and high-quality green spaces would be an integral part of the development approach.

Appropriately worded conditions are recommended to enable the development to be further controlled and ensure that it reflects the principles established above when it comes to detailed design at reserved matters stage.

Height

Arun Local Plan Policy D DM1 states that the scale of development should keep within the general confines of the overall character of a locality, unless it can be demonstrated that the contrary would bring a substantial visual improvement.

The proposed heights of the development are shown in the Parameter Plan 2 - Building Heights (ref. 18723-SBR-ZZ-XX-DR-A-80102). This plan sets out the maximum building heights for the residential and employment areas as well as the primary school. This Parameter Plan has been prepared to demonstrate that the proposed building heights across the Site would be respectful of the sites context

and surrounding streetscape whilst facilitating the creation of a new mixed-use neighbourhood character.

Most new buildings/homes proposed (circa 85%) are identified as being between 2-2.5 storeys which will be consistent with the scale of existing buildings bordering the application site to the east and south. The parameter plan allows for a variety of building heights to be provided throughout the Site. It is envisaged that a small number of three storey buildings would be located along the main vehicular route, at key junctions and around both the northern and southern local centres to further assist with wayfinding and legibility. In exceptional instances four storey elements to add variety and interest may be considered appropriate but would need to be assessed as part of any future reserved matters application and fully justified.

The overall approach to the scale of development is supported as it helps reinforce local character, create a stronger sense of place and identity whilst ensuring permeability and legibility. It would also assist in establishing a hierarchy in the function of buildings. Despite the proposed parameter plans any future reserved matters applications would need to justify the height of development as part of the urban design narrative of the site and how it connects with more recently developed and approved residential development.

The illustrative Masterplan and Design Principles document should inform the detailed 'Reserved Matters' applications to ensure the delivery of a high-quality development and environment.

Density

The NPPF requires planning policies and decisions to support development that makes efficient use of the land (para 125). Arun Local Plan Policy D DM1 states that the density of new housing must make efficient use of land while providing a mix of dwelling types which maintain character and respect local distinctiveness. Higher densities will be most appropriate in the more accessible locations such as the local centres.

Section G of the Arun Design Guide suggests a density for village locations of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats. 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.

With a site within the built-up area boundary (BUAB) covering an area of 144 hectares, delivering up to 2,200 new homes, the proposed density of the Site will be approximately 15 dwellings per hectare. This low density is reflective of the landscape-led approach adopted for the site, with approximately 40% of the site area being open space ensuring that the development provides an appropriate transition between the built form of Bersted and the wider countryside beyond.

The illustrative masterplan shows that the proposed density could be varies across the wider site area, responding to the local environment and hierarchies that would arise within the development and its phases. The Design Principles document identifies how densities can be varied across the site to respond to existing character and create character areas on site.

Higher densities are proposed around the local centres with commercial/retail uses responding to the taller built form in those locations. Developments to the eastern and southern parts of the site that adjoin the established communities would seek to respect the density of those existing built areas. Lower densities are generally proposed to the western and more rural edges, including land closest to the listed Morell's Farmhouse ensuring an appropriate transition from urban / suburban to rural. However, densities are not definitively established through the submission and as such it would be appropriate to secure these details through the design code prior to the determination of any reserved matters applications.

The building form, road network and hierarchy of street blocks will be developed at detail design stage as 'Reserved Matters' applications come forward. However, officers support the indicative approach to density shown on the illustrative Masterplan, Parameter Plan 1 Land Use and Parameter Plan 5 Neighbourhood and Character Areas.

COMMUNITY FACILITIES AND RETAIL

The NPPF, Paragraph 111, requires planning policies to support an appropriate mix of uses across an area, and within larger-scale sites, to minimise the number and length of journeys needed for employment, shopping and leisure.

The strategic site allocation policy states that development on the Site is required to provide a 'Community Hub' to include shops, provision for new healthcare facilities to serve the Site and the Pagham North and South allocations (SD 1 & 2) and a new Tier 7 library facility.

As part of the application, it is proposed that two community hubs will be provided on the Site in the form of two local centres, one to the north and one to the south. The local centre to the south (SLC) would be the larger local centre and will include retail facilities, service facilities, health care, sports hub, primary school and tier 7 library. The centre to the north (NLC) would be smaller and is intended to provide local shops/facilities.

The mix of uses proposed is intended to ensure the local centres can offer a range of services, including small-scale retail provision and small-scale offices subject to market demand. As set out in Appendix 1 of the Applicant's Planning Statement it is anticipated that the retail provision within the local centres would consist of a small element of convenience goods floorspace for top-up shopping and other service floorspace to serve everyday needs, with a limited amount of comparison goods floorspace. The impact on Bognor Regis town centre and Chichester City centre would be limited, with the proposed local centres serving the new and existing residents in a more sustainable manner. Both local centres are intended to be within proximity to the potential location for the care home/senior living accommodation and also accessible to the proposed private and affordable housing provisions within this application site and the rest of the SD3 strategic allocation.

The Site Allocation Policy states new healthcare facilities should be delivered on site. NHS West Sussex Clinical Commissioning Group (CCG) has confirmed support for the delivery of a new doctors' surgery within the local centre. The proposed Use Classes for the local centres allows for the provision of a healthcare facility should one come forward on the Site. The facilities location and layout will need to be agreed with the CCG and controlled through a 'Reserved Matters' application; appropriate conditions and provisions within the S106 Agreement provide for a minimum required floor area.

The proposed Sports Hub, the design of which would be the subject of a 'Reserved Matters' application, is to function as a multi-purpose building, facilitating sporting activities alongside wider community functions. ADC Leisure Services have advised that the building should include a multipurpose hall, gym space, meeting rooms and changing facilities. Details of provision will be secured through the S106 Agreement with detailed design to be agreed through the submission of a 'Reserved Matters' application.

EMPLOYMENT

The NPPF states that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development (paragraph 85).

The Site Allocation policy requires planned new employment provision where possible with linkages and

accessible pedestrian and cycle routes to Bognor Regis town centre. The policy does not, however, include a specific floorspace/ area requirement, Officers consider the proposed 4.5 hectares of employment land providing up to 4,000 sqm to be an acceptable quantum of employment floorspace, especially given the proximity of other large employment areas locally.

The employment area proposed allows for a flexible range of uses and occupiers, including those in Use Classes B2 (general industry), B8 (storage and distribution) and E (commercial, business and services). A hotel use (use class C1) is also proposed which could cater to the needs of business users should there be a demand for one in this location. The proposed C2/C3 care home/elderly living accommodation would also generate employment.

The area for employment use, as shown on the Land Use Parameter Plan, is in the north-east corner of the Site adjacent to the A259 and affords some separation with adjoining residential uses which would reduce potential conflict through noise and disturbance.

The type and phasing of employment provision that will be delivered is to remain flexible and will ultimately depend on business needs and employment space demands when the application is implemented. Officers consider the proposed range of employment uses to be acceptable and policy compliant.

Policy SKILLS SP1 of the Local Plan states the Council will encourage development proposals to support the raising of skill levels and increase employability, specifically for strategic housing and employment sites. A planning condition is recommended which will require the applicant to submit an employment and skills plan to secure employment and career development of local people during the construction phases of the proposed development.

RESIDENTIAL AMENITY

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

The Council's Design Guide sets out guidance on interface distances between houses to ensure amenity of residents is protected. Layout is a 'Reserved Matter' and it is not appropriate or possible to assess impacts of overlooking and privacy at this stage in the absence of a proposed layout. However, it is material that the relationship with existing dwellings is shown on the outline illustrative masterplan layout, which includes green buffers and comfortable spacing between new built form and existing residential development.

Based on the information provided, the proposed development could be accommodated on-site without giving rise to unacceptably adverse impacts on existing residential amenity. Therefore, the illustrative masterplan, in so far as it can be considered at this outline stage, would be in accordance with relevant development plan policies. Phasing is to be agreed to ensure the protection of the amenity of existing and future occupants. A condition is also included as part of this recommended to secure a Construction Management Plan for each of the phases to ensure that construction is appropriately managed to minimise disturbance.

LANDSCAPE CHARACTER:

Policies D SP1, H SP2 and D DM1 of the ALP require that development makes the best possible use of land by reflecting or improving on the character of the site/surrounding area and providing effective and convenient connections to public transport services. Policy LAN DM1 states development should respect

the characteristics and natural features of the relevant landscape character areas. These policies are aligned with the intentions of the NPPF which places great emphasis on character, natural features and landscape character.

Landscaping is a reserved matter and as such is not for determination as part of this outline application. However, the parameter plans show that the site layout will ensure extensive landscaped areas are provided along key public rights of way and newly created pedestrian and vehicle links. Parameter Plan 3 Landscape and Green Infrastructure will be listed in the appropriate condition, this details landscape features on the site to be retained such as hedgerows and trees, including those individual trees and groups protected by tree preservation order (TPO). In addition, it identifies rife, field patterns and ditches and establishes the overall landscape framework for the site that will be protected and further developed through subsequent 'Reserved Matters' applications.

Further detail on each of the landscape character areas is provided in the accompanying Design Principles and Landscape Strategy prepared by Fabrik and contained within the revised Design Principles document produced by Scott Brownrigg. The document identifies several landscape character areas on the site including:

1. North Park Character Area (NP).
2. South Park Character Area (SP).
3. Rife Woodlands Character Area (RW).
4. Green Fingers Character Area.
5. Landscape fringe/ Wellness Trail Character Area.

The landscape strategy provides areas of continuous uninterrupted open space of approximately 25 hectares (approximately 40% of the site area) distributed across the five landscape character areas. It is noted that the South Park and Green Fingers Character Areas are intended to reflect the former RAF 'Advanced Landing Ground' runways'.

An extensive area of landscape is to be provided from the key vehicle and pedestrian access points to the site that will link into large parkland areas to the north and south. The green routes within the site will incorporate walking and cycle routes and provide access to key areas. A proposed Wellness Trail will circumnavigate the site measuring over 7km in length. The sports pitches, that include the 3G pitch facility, will be provided with direct access to the community hub.

The landscape parameter plans also provide details of the areas that will feature woodland or parkland planting. These areas will provide structural elements and provide effective enclosure for key views and screening for the rural settings of Lagnersh Farmhouse and Neale's Farmhouse (Grade II listed buildings), therefore ensuring that development of the site can be accommodated without resulting in unacceptable harm to their setting.

The proposed development would alter the current rural setting of the Grade II listed Morell's Farmhouse, changing the character of the landscape from a more agrarian rural setting to a more urban setting. The submitted details indicate that this impact can be mitigated using landscaping to soften and enhance views. This approach does not seek to use planting to obscure but to instead respect the existing landscape and views, to enable the delivery of a positive, high-quality development within the setting of the listed farmhouse and its farm grouping.

The Design Principles document provides artist's impressions of various parts of the two principal areas including the neighbourhood centres either as sketches or plan layouts, rural neighbourhood areas (one with allotments), the northern boulevard and a concept diagram showing the overarching main landscape areas and the 'Interconnected Necklace of Spaces with the Development Parcels'.

As landscaping is a 'Reserved' Matter and is for future consideration and determination, it must be recognised that the submitted masterplan is illustrative and subject to change. Development of the site should adopt a landscape led approach which would ensure that development would make a positive contribution to its wider context and result in a high-quality development.

It is noted that there may be sections of indigenous hedgerows that are marked for removal with compensatory replacement planting proposed. However, it is preferable that the loss of hedgerows is minimised. Therefore, conditions are recommended to ensure that existing trees including those protected by the existing TPO and hedgerows are retained. Where some loss of hedgerow is unavoidable, a balanced approach will be adopted to the consideration of such losses at 'Reserved Matters' stage with mitigation measures and compensatory planting as well as biodiversity net gain expected.

Overall, the landscaping proposals are acceptable and can be secured through future 'Reserved Matters' applications to meet the objectives of the Framework Masterplan and deliver a scheme that accords with policies H SP2a (SD3), D SP1 and D DM1 of the ALP.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision to meet the needs of future occupiers. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can have on promoting healthy communities and reducing health inequalities.

The infrastructure delivery plan (IDP) states that the West Bersted development should include a 3G pitch, 2 grass pitches and facilities, and a community sports hub building. The revised Playing Pitch Strategy (PPS), updated as part of the adopted Open Space, Playing Pitch and Built Facilities SPD shows an increased demand for sports pitches. The evidence shows there is under provision for all pitch types across the district, with the west having higher levels of shortfall particularly for youth football, senior/junior cricket teams and senior/junior rugby teams.

ADC Leisure Services have confirmed the playing pitch numbers arising from the calculator as:

Adult football = 1.14
Youth football = 1.28
Mini soccer = 1.18 Rugby = 0.58
Cricket = 0.64
3G = 0.19
Total = 5.03 pitches

Several 'half' pitches are shown in the calculations which means that after the provision of whole pitches, unmet demand will remain. The proposed 3G pitch can meet and support a more intensive programme of use. However, Cricket cannot be played on a 3G pitch. Therefore, a separate area needs to be provided for, with other part-pitch contributions used to deliver this. Following discussions with the Council's Leisure Services rounding the total pitch provision to the nearest whole number, results in the requirement for sports pitches considering the 3G provision as:

1 No. Adult football / rugby pitch.
1 No. Youth football pitch (11v11).
1 No. Cricket pitch.
1 No. 3G pitch.

Leisure Services commented that the 3G pitch as currently configured on the illustrative masterplan has the potential to create a barrier between the grass pitches both physically and visually. There would be better flow between all grass pitches if the 3G pitch was moved further to the north with the sports hub building located in close proximity to it. Details of siting and positioning of the pitches would fall within layout and as such should be considered as part of the 'Reserved Matters'.

The form and layout of the sports hub facility has not been defined, it is envisaged the building will include capacity for indoor sports and play as part of a wider community facility. The specification for the hub building will be considered as part of discussions with leisure services and the local community, prior to the submission of the reserved matters application and its delivery will be secured through the S106 agreement.

The Council's Leisure Team have identified the need for a financial contribution towards delivery of additional swimming lane capacity in Arun. The need for this has been clearly defined by the Leisure Team with the proposed development contributing to an increase in demand which should be off set through the delivery of additional swimming capacity.

The development must incorporate appropriate levels of play provision, and this should be high-quality and accessible. Equipped play provision should be positioned to ensure they are sustainably located and accessible to all residents with play opportunities distributed throughout the development. A balance should be sought between quality and quantity whilst meeting the needs of the increased population.

In total it has been requested that the application provide 3 no. neighbourhood equipped areas of play (NEAPs) and these will consist of a 1 No. skatepark, 1 No. pump track and multi-use sport area (MUSA) and destination play area. These NEAPs will be distributed in the southern, central and northern areas to ensure they are easily accessible from all parts of the development. In addition to this the developer had agreed to provide 6 no, locally equipped areas of play (LEAPs) each measuring a minimum of 800sqm, 10 no. local areas of play (LAPs) designed to meet the needs of under 5's as well as 2 no. LAPs designed to meet the needs of those over 65 which would incorporate informal recreational and exercise equipment.

Arun's SPD on Open space, Playing Pitches, Indoor and Built Sports Facilities, January 2020, includes in Table 4.1.1. Quality Guideline Standards for Public Open Space, Play Space and Allotments. Following this guidance the Open Space and Play Calculator (2020) has been applied which has identified that the following provision would be required to meet the needs of 2,200 dwellings and this will be used to inform the S106 Agreement:

Public Open Space	
Parks and Gardens	3.87 ha
Amenity Greenspace	2.90 ha
Natural and Semi-Natural	8.71 ha
Allotments	1.20 ha
Total	16.68 ha

The illustrative masterplan and landscape parameter plans indicate that in total over 40ha of land has been allocated for public open space/play space and allotments. Therefore, sufficient open space and play provision has been secured as part of this outline application.

Provision has been made within the proposed Heads of Terms for the accommodation of public open space and play provision within the S106. The delivery mechanism for securing the ongoing maintenance of the facilities is to also be defined within the Legal Agreement.

Based upon the indicative details provided there would be no conflict with ALP policy OSR DM1 and HWB SP1 and the proposed development could be delivered along with the provision of satisfactory levels of public open space, sports provision and play areas which would accord with the overarching policy intent of delivering high-quality sustainable places.

AFFORDABLE HOUSING PROVISION AND UNIT MIX

Policy AH SP2 requires that 30% of dwellings on major sites are delivered as affordable housing. The tenure split of these affordable units should comprise 75% social rented and 25% intermediate housing (i.e. shared ownership). This policy also requires affordable housing to be visually indistinguishable from market housing and with large groupings of single tenure dwellings avoided. Affordable housing will be allowed in small clusters throughout development and will include affordable homeownership as well as affordable rentals as per the NPPF.

Additionally further guidance published by the Government has specified that 25% of all affordable dwellings secured through developer contributions should be sold as First Homes. This is reflected in the ADC interim policy statement which identifies that the Council will secure an alternative tenure split of 67% affordable rent, 25% first home and 8% intermediate housing.

When the application was originally submitted a Financial Viability Assessment (FVA) was not submitted and the Planning Statement confirmed that the affordable housing offer would be in line with Policy AH SP2. However, in June 2024 the Applicant submitted a financial viability assessment (FVA), prepared by Turner Morum. The main conclusions of the FVA was that 30% Affordable Housing was not deliverable and would result in a deficit of £142m which is equivalent to a negative return of 2.5%. This is in comparison with an acceptable target margin of 17.8% of scheme gross development value (GDV).

The affordable housing, tenure split, S106 amounts and contribution timings required adjustment to ensure a commercially viable and deliverable scheme. Appendix 3 of the applicants FVA presents several delivery scenarios that were tested through the financial model. Ultimately, it has been concluded that to achieve a commercially viable/deliverable development the scheme would only be able to deliver 10% affordable housing, with a 50/50 tenure split (affordable rent / shared ownership) along with some amendments to the timings of the S106 contributions. Even with the suggested amendments, the early phases of housing delivery would result in a deficit, primarily due to the need for significant infrastructure delivery including the spine road. The revised trigger points for the S106 contributions have balanced the need for mitigation at the various stages of the scheme's implementation with projected financial returns to achieve a deliverable scheme.

Carter Jonas were appointed by the Council to undertake an independent review of the FVA in July 2024. Carter Jonas has commented on the costs and values used and tested through the FVA as well as reviewing the S106 contributions. The sensitivity testing undertaken reveals that a viability position of 10% affordable housing with a split of 50% affordable rent and 50% shared ownership and based on a S106 package of £59.2m with revised triggers and timings can be justified.

Given the significant shortfall in affordable housing provision it would be appropriate to incorporate a review mechanism within the S106 agreement which would ensure that should the viability position change during development then additional affordable housing or financial contributions could be secured. This would be an upwards only review mechanism, which will ensure that the scheme delivers a minimum of 10% affordable housing, with additional affordable housing or financial contributions if conditions allow.

Due to the outline nature of this application and the fact that there is a 15 year build out programme full details pertaining to affordable housing will need to follow in subsequent 'Reserved Matters' applications. The applicant will be required to provide an Affordable Housing Plan for each phase of the development

with details of the size, location and tenure mix to accord with the ALP policy approach and HDQ4 of the Bersted Neighbourhood Plan. These details would be required prior to the submission of individual Reserved Matters Applications. This will ensure an appropriate housing mix and spread of tenure across the entire development.

The Council's Housing Strategy and Enabling Manager has confirmed that the proposals would not meet the 30% affordable housing provision requirement and unit mix as set out in policy AH SP2 of the ALP or policy HDQ4 of the BNDP. Whilst the affordable housing offer is below the policy requirements in terms of both provision and unit mix policy AH SP2 does allow for this subject to appropriate viability evidence being provided.

The independent assessment (undertaken on behalf of the Council) of the FVA has confirmed that the delivery of 30% affordable housing would render the scheme unviable. Therefore, subject to the inclusion of an appropriately drafted review mechanisms within the S106 the proposed 10% affordable housing provision would accord with policy AH SP2 of the ALP.

ACCOMMODATION FOR OLDER PEOPLE

ADC have adopted guidance around the provision of 'Accommodation for older people and people with disabilities'. This guidance note provides more detail on the standards to be used when implementing adopted policies of the Arun Local Plan. Specifically, policies D DM1 and D DM2 of the Arun Local Plan.

The adopted guidance note identifies that for schemes exceeding 51 units 50% of the total houses should meet m4(2) standard, whilst in this case an additional 20 units should be designed to m4(3) standards. The use of an appropriately worded condition to ensure that these standards are met would be appropriate and would ensure that the proposed development secured an acceptable number of m4(2) and m4(3) dwellings through the detailed design at reserved matters stage.

In addition to the above provision a 65-bed care home is proposed. The Environmental Impact Assessment (EIA) Scoping Opinion and the endorsed Framework Masterplan did not include reference to the proposed care home/senior living accommodation. However, the NPPF, ALP Policy H DM2 and Policy CLW1 of the BNDP support the provision of homes that meet varying tenure needs, household make-ups and changing lifestyle requirements as well as specialist accommodation.

The potential locations for elderly accommodation are shown in the 'illustrative' masterplan as being within close proximity to the two proposed local centres which would ensure accessibility on foot to the proposed community and social facilities that would be provided as part of the development. Matters of detailed design for the care homes and senior living facility would follow in subsequent Reserved Matters applications.

The provision of 65-bed care home would contribute to the overall level of residential accommodation on the application site. This would result in the provision more than 2,500 units which would be in accordance with policy H SP2a, which identifies the requirement to deliver at least 2,500 units on the West of Bersted allocation.

Therefore, subject to the inclusion of an appropriate worded condition pertaining to the delivery of m4(2) and m4(3) dwellings the proposed development is deemed to provide an appropriate unit types.

HIGHWAYS

A Strategic Transport Assessment (STA) and Framework Travel Plan have been prepared by Pell Frischmann and submitted in support of the application along with full details of the transport proposals for the development. The STA considers the accessibility of the Site within the surrounding transport

infrastructure, examines the predicted generation of trips and assesses the overall sustainability strategy adopted for the scheme. The various scenarios considered in the STA have been tested in the modelling and are summarised in the STA as well as para 6.91 and 6.92 of the Planning Statement. WSCC Highways and National Highways were consulted during the preparation of the STA and have reviewed its conclusions and made several requests for clarification of the modelling and information used to support the conclusions.

A total of 23 junctions were tested as part of the assessment with the strategic model providing demand flows for the AM and PM peak hour turning movements at each of the junctions. The junctions tested were agreed with WSCC Highways through pre-application discussions and where appropriate, National Highways. The detailed results of the testing of each junction and the different scenarios tested can be found in the Transport Assessment.

WSCC Highways comments confirmed the acceptance of the vehicle trip generation forecasts for the 2,200 dwellings, 20,866 square metres of B1 (now use class E), B2, B8 employment uses, hotel, care home, and 3-form entry primary school. The junction assessments have then been undertaken for scenarios with mitigation (do something) and without (do minimum) using industry accepted models.

The impact on the identified junctions is considered with and without development for the future year scenarios of 2031 (representing the end of the current Local Plan period) and 2038 (representing a more realistic end of build out for the development). The future year assessments include all potential Local Plan growth identified within the current Arun and Chichester Local Plans as well as that development which is already committed.

WSCC are satisfied that the Transport Model assessment of the development has included all junctions likely to be impacted by the proposed development. The junctions beyond those that have been considered in the model are outside the immediate area and were discounted following pre-application discussions with WSCC and National Highways due to the limited impacts of development upon their operation. WSCC have provided comments in respect of the junction outputs and potential mitigation, and these have been responded to by the applicant as part of the ES Addendum.

The Transport Assessment notes that overall, the junctions will either operate within capacity, or there is identified mitigation that would offset adverse impacts because of the proposed development. The junctions which are forecast to operate over capacity (in some of the tested scenarios) are noted in the Transport Assessment, along with commentary on how the impacts would be mitigated. WSCC and National Highways have been consulted and have confirmed that the highways impact following mitigation, are acceptable.

The key junctions that require mitigation are:

1. The A27/ A259/ Vinnetro Road (Bognor Road Roundabout), additional modelling assessment of the Bognor Road roundabout has been undertaken, based on the 2017 Enterprise Bognor Regis (EBR) improvement scheme. National Highways confirmed that the impacts of the proposed development on this junction would be appropriately mitigated by the proposed EBR scheme (drawing reference 103800_0002). It has subsequently been confirmed that a proportional financial contribution towards this junction (£935,421.33) to be paid prior to the occupation of the 220th dwelling would be required. This will be secured through the S106 agreement.

2. A27/B2145 Whyke Roundabout results in a redistribution of the available capacity. National Highways confirmed in their response dated 25 August 2023 that the impacts of the application proposals on this junction can be successfully mitigated via the implementation of the proposed Arun Stage 3 Transport Study mitigation scheme (drawing reference JNY8840-19 Rev A). It has been confirmed that a financial

contribution of £1,725,680 should be paid by the occupation of the 660th dwelling. This will be secured through the S106 agreement

3. The operation of the A259/B2144 Drayton Lane junction is forecast to exceed capacity. For the A259 Drayton Lane Roundabout, this is covered within the on-going WSCC A259 Study. This Study covers the stretch of the A259 between the A29/A259 Shripney Road By-Pass Roundabout and the A27 Bognor Road Roundabout. To fulfil that requirement within the Site Allocations Policy (referring to improvements on the A259 between Bersted and Drayton), the development will be expected to make an appropriate and proportionate financial contribution to the overall WSCC led works. This financial contribution will be secured through a S106 agreement.

In addition to the three specific junction mitigations identified above ADC have developed a linked package of mitigation/improvement works to mitigate the impacts of the Local Plan upon the local highways network. The proportional contributions of the development are identified through the Apportionment Study (2022) prepared by ADC in consultation with WSCC.

The additional junctions that proportional contributions will be secured towards are:

- Rowan Way A29/A259.
- Felpham Relief Road Junctions Imp A259.
- Oystercatcher Junction A259.
- Comet Corner Junction A259.
- Bognor Regis to Littlehampton A259 Corridor Improvements.
- A259 Bersted to Drayton.

WSCC Highways have confirmed that they are satisfied that the proposed financial contributions towards the local highways network will support the delivery of the necessary mitigation. Subject to these mitigations the proposed development is acceptable and would accord with relevant development plan policies.

Concerns were raised through the West of Bersted Advisory Group around the potential impacts of development upon the operation of Chalcraft Lane prior to the delivery of the spine road through the development. In order to address these concerns a Transport Note (TN) was provided by the applicant which assessed the construction and operational impacts of the proposed Phase 1 and 2 (463 dwellings) on the operation of Chalcraft Lane.

The TN identifies that impacts arising from the build-out and occupation of Phases 1 and 2 prior to completion of the spine road, would give rise to a small but temporary impact on two of the junctions tested. However, both junctions would continue to operate within capacity. The TN concluded that Junction 9 (the Chalcraft Lane / Hewarts Lane / B2166 Lower Bognor Road roundabout junction), would experience a very minor increase in delay in queuing on one arm, in the PM peak, which would equate to an additional delay of less than 30 seconds until such time as the spine road was completed. WSCC Highways have reviewed the TN and confirmed they are satisfied that the identified impacts arising from the construction and occupation of Phases 1 and 2 (prior to the delivery of the spine road) would not be severe as required by NPPF paragraph 115.

Additional phasing information has been submitted by the applicant following the submission of the TN. The Phasing Plans indicate that the link road would be operational from 2031 once Phases 1 and 2 are completed and Phases 3B, 4A and 4B had commenced. The updated phasing information suggests that by 2030 (prior to the opening of the new link) 225 units would have been completed which accessed the site via the southern access point. By comparison the submitted phasing evidence suggests that 338 units would be complete and access the site via the northern access. WSCC Highways having reviewed

this updated phasing information have confirmed that the additional impacts associated with this relatively small increase in vehicular movements would not give rise to severe highways impacts.

It is proposed to impose a Grampian style condition that would restrict occupations to a to no more than 225 units access via the southern access and no more than 338 occupations to be accessed via the northernmost accesses prior to the completion of the spine road and it being open to through traffic. Officers are of the opinion that the condition is appropriate to ensure the earliest delivery of the spine road and avoid potentially severe impacts on the operation of the highways network.

The impact of the Chichester District Local Plan 2021-2039, likely to be adopted in Spring 2025, has been taken into account as part of WSCC Highways and National Highways review of the transport and highways modelling work.

ACCESS

The 'Parameter Plan 4 - Access and Movement' identifies the principal movement and access points into and around the Site. There will be three primary accesses and one minor vehicular access into the site. Under the Outline Planning Application access is not reserved and detailed drawings for these junctions are included as part of the application. The detailed access plans have been updated during the life of the application in response to WSCC Highways comments. Following amendment, the proposed access arrangements have been confirmed as acceptable by WSCC following the incorporation of improved pedestrian and cycle crossings.

It is proposed that two of the main access points will be located at the northern end of the spine road:

The spine road within the Site will connect to the A259 via an enlarged and improved A259/ North Bersted Bypass/ B2259/ Elbridge Avenue Junction. Appropriate cycling and pedestrian infrastructure, including safe crossing locations, will be provided at the accesses and along the A259 (which forms the boundary of the Site). The existing bus stops on the A259 will be retained, and suitable, direct connections provided from the proposed development.

There will also be a new, smaller, roundabout approximately 140 metres to the north of the main site access with the A259, which will provide a secondary access for Site users travelling to/from Chichester to the north-west, and this junction will also serve the employment area.

The third vehicular access will connect the spine road to Lower Bognor Road and Chalcraft Lane to the south of the site. It is proposed that the B2166 Lower Bognor Road will be realigned to the east; to better align with the southern end of the spine road a new roundabout junction (Junction 13) will be delivered. The B2166 Lower Bognor Road will have a cycle path, promoting direct access from the surrounding area to the new development and the southern local centre/primary school. Along the eastern edge of the realigned Lower Bognor Road there will be a new swale and landscaped verge with trees forming a corridor to provide a landscaped entrance to the Site. The roundabout at Hewarts Lane/Chalcraft Lane connecting the Site to the wider road network will also be improved to accommodate the additional vehicular movements.

A minor priority T-junction will also be provided off Chalcraft Lane. This will not be a main point of access and will be for local traffic only. This access point will be subject to detailed design as part of a future Reserved Matters Application. The access plans that form part of the detailed application are identified through Condition 4.

Parameter Plan 4 shows potential locations of secondary vehicular routes, pedestrian and cycle routes and the wellness trail, albeit these may well be subject to change once detailed design work has

commenced. The WSCC Public Rights of Way (PRoW) Officer has commented on the application and the nature of the proposed routes and connections, with some adjustments having been made to the cycle and pedestrian routes along with the provision of a 3m Bridleway on FP134. The requirements for the PRoW and cycle routes on the site will be secured via suitably worded conditions whilst financial contributions towards enhancement of the existing PROW and cycle routes off site will be secured through the S106 Agreement.

In relation to bus provision discussions have been held with Stagecoach, to secure the provision of a new bus route through the site following the proposed spine road. The spine road has been designed to accommodate these bus movements. However, the exact alignment of the spine road will be agreed at the 'Reserved Matters' stage and should be in accordance with the Parameter Plan. Once the bus route is confirmed the bus stop locations can be agreed as part of the detail within the 'Reserved Matters' applications. Provision has been made within the Heads of Terms for a financial contribution to subsidise the initial running costs of the proposed bus route and measures for sustainable transport improvements to include, for example, new bus stops within the development, improvements to existing nearby bus stops, real-time information displays and raised kerbs to facilitate access. Despite attempts by Arun and WSCC officers Stagecoach are yet to provide a formal response to the proposed mitigation package. In the absence of any comments from Stagecoach officers must presume that the package is acceptable.

In light of the above assessment subject to the imposition of appropriately worded conditions and completion of the S106 Agreement the proposed development is acceptable in highways terms and would accord with Policies T SP1, H SP2 and T DM1 of the Arun Local Plan, Policies GA1, GA2 and GA3 of the BNDP and the WSCC Local Transport Plan (2011-2026).

PARKING

The Design & Access Statement (DAS) acknowledges the requirements of Policies D DM1 and T SP1 'Transport & Development, ADC's Parking Standards SPD (January 2020) and WSCC Guidance on 'Parking at New Developments' (September 2020) and other published guidance. The ADC Parking Standards SPD identifies the quantum of parking necessary to meet the needs of the development. It is also identified through this document and Manual for Streets that a total of 5% of the parking spaces should either be designed to meet the needs of disabled people or capable of conversion. However, the detail of the car parking in each phase of development will be considered as part of subsequent 'Reserved Matters' applications and is not a matter for consideration as part of this outline application.

Policy QE DM3 of the Arun Local Plan and the Parking Standards SPD encourage the use of electric vehicle charging points for all developments. The policy requirement is for 100% provision on developments with a stepped approach adopted between active and passive provision. Conditions are recommended to ensure that each phase of the development meets the relevant adopted policy requirements in the detailed 'Reserved Matters' stages.

Appropriate provision of cycle parking will be required to ensure sustainable transport options are available to future occupiers. Each Reserved Matters application will be required to provide details of policy-compliant cycle parking. The provision of cycle parking prior to the occupation of each residential unit and operation of other uses, including community, retail, employment and education will be secured through condition.

TRAVEL PLAN/MONITORING

A Framework Travel Plan was submitted with this application and has subsequently been amended to align with WSCC's Travel Plan Guidance. However, WSCC Highways have advised that travel plans will be required for all uses within the development that have the potential to generate significant numbers of

trips. As the proposed development includes residential, employment, retail, education and leisure uses, and in phases, Travel Plan/s will be required for each phase and the specific uses provided within that phase. Such Travel Plans would need to be approved prior to the use or occupation of the development. Therefore, travel plans will be secured through planning conditions as well as through the S106 Agreement which would include appropriate monitoring contributions.

ECOLOGY, HABITATS AND BIODIVERSITY:

The application was accompanied by an Ecology and Nature Assessment (Chapter I of the Environmental Statement (ES), September 2022). Responses were provided to comments of the Council's Ecologist through the updated ES Addendum.

Prior to submission the applicants engaged with Natural England (NE) in respect of the Ecological Assessment to agree the extent of surveys and to inform key aspects of the approach to the Site. It was agreed that the Site was not functionally linked habitat to the Pagham Harbour SPA and as such development would not result in any detrimental impacts on the SPA subject to appropriate financial contributions towards the Pagham Harbour Management Strategy and as such would accord with Policy H SP2a (SD3) and Policy QE SP1 of the Arun Local Plan.

The Preliminary Ecological Appraisal (PEA) identifies the 'Site' as dominated by arable fields used for crops with the ecological value being deemed as low or negligible. From the surveys undertaken, bats were identified as having a local value.

The Ecology and Nature Assessment found bats to be present on the site with activity concentrated on the internal hedgerows dividing the polytunnels at the northern end of the site (H16) and separating the large field compartment to the south from the fruit farm (H7). Other habitats such as the woodland edge to the south, southwest and northeast, were also associated with slightly higher levels of activity but not beyond site level value. The assemblage is of local value due to the dominance of common and widespread species together with the limited activity of all three annex II species (barbastelle, greater horseshoe and lesser horseshoe). The results show that the site does not form a significant foraging resource for these species and is only used on occasion.

Nathusius' pipistrelles were also recorded on site. Activity was recorded as being generally low and their presence was not unexpected given the proximity of the site to the south coast, and the migratory nature of the species which arrive in the UK during autumn from Northern and Eastern Europe.

Nocturnal surveys were carried out following a preliminary roost assessment of the buildings which concluded that they offered low potential for bats. As no bats were seen entering or exiting the buildings, no further surveys were required. Further surveys recorded a Soprano Pipistrelle emerging from under the tiles of a building, but no bats were recorded in further surveys. Therefore, this was deemed an occasionally used day roost by low numbers of soprano pipistrelle bats consistent with the assumptions of Chapter I of the ES (September 2022).

Compared to the earlier assessments, activity levels on site are largely similar to those reported in the ES (September 2022), but with a slight increase in species/species groups. There was no change to the assessments in relation to bats emerging from buildings apart from the earlier recording of one bat emergence in May 2023. Despite the low activity, conditions regarding further surveys and mitigation measures are recommend, where appropriate.

The birds identified through the surveys were found to be typical of a mixed rural / farmland area in West Sussex and are not significant ecologically. Suitable habitat for hazel dormouse was identified but no evidence was found of this species during the survey work. Reptile activity is limited to areas around the

edges of the Site. Occasional signs of water vole activity were also identified which triggers the requirement for further surveys which is identified in the recommended condition.

The landscape led approach combined with the PEA seeks to incorporate green infrastructure capable of avoiding impacts on most of the ecologically important features present. As identified above a loss of hedgerow is indicated but this would be subject to further detailed assessment through the future 'Reserved Matters' applications and any loss would need to be justified and mitigated for through the provision of compensatory planting. Ditches and hedgerows should be retained and designed into the proposals, and the detailed landscape designs for areas of public open space will ensure the areas are enhanced with higher value habitats to those currently present, with the aim to create high quality natural spaces for recreation and biodiversity as identified within the updated PEA.

TREES AND HEDGEROWS:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland or trees that contribute to local amenity are not damaged or felled unless the development meets certain criteria, including where benefits outweigh the loss of trees or woodland and appropriate mitigation can be secured.

As noted, a Tree Preservation Order (TPO/BE/3/20) covers the site and relates to a total of 42 trees including Oaks, Sycamores, Field Maple, and Ash Trees. The Illustrative Masterplan has taken account of the root protection areas (RPAs) of the trees that are subject to Tree Preservation Orders and none of these trees are proposed for removal.

The Landscape Parameter Plan demonstrates an intention to retain trees the subject of TPO and as such there are no concerns with these proposals. Trees and hedging are present on the northern boundary but are located outside of the redline boundary. Where trees and hedging are within and/or on the boundaries of the site, the intention is that these would be retained as part of the detailed design. It is noted that the mitigation measures including the Environmental Statement (ES) Vol 1 Chapter I 'Ecology and Nature Conservation' includes reference to the loss of hedgerows H5, H13, H16 and H17 and partial loss of H25 with additional hedgerow planting proposed to mitigate the loss. However, the loss of hedgerows would be resisted with the intention that all are retained as features of the site, by virtue of their ecological and visual value.

However, this is a matter of detail and would be subject to further assessment under the respective 'Reserved Matters' applications. In addition, specific landscaping, tree and hedgerow related conditions are recommended to be included as part of this application to ensure the retention, and protection of these features during construction.

Given that landscape is a Reserved Matter there is no need for details to be provided at this stage, but it is anticipated that new landscaping would include a mix of native species and plants. Should there be any future tree loss associated with the 'Reserved Matters' applications, then new tree/hedge planting should be provided on a 2:1 basis. New tree planting will be required to mitigate any significant loss. Noting the mitigation measures, which are not fixed when considering the further stages of this application, the intention would be to ensure losses of existing mature, native hedgerows are avoided where possible.

As proposed and at this stage the proposals would not result in any conflict with relevant Arun Local Policies insofar as they relate to trees and hedgerows. Therefore, subject to the imposition of appropriately worded conditions the proposed development would be in accordance with policy ENV DM4 of the ALP.

Designated Sites:

The initial Preliminary Ecological Appraisal (PEA) included an assessment of ecological effects from the Proposed Development. The following surveys were undertaken to better understand the current ecology of the site: a Phase 1 Habitat and Preliminary Protected Species Survey; Hedgerow Surveys; Surveys of Badgers, Bats, Great Crested Newts, Breeding Birds, Winter Birds, Hazel Dormice, Reptiles and Riparian mammals.

The assessment of habitats and protected species surveys identified appropriate mitigation measures where necessary following engagement / liaison with Natural England. The development of the Site does not give rise to any harm to designated sites, or their special ecological characteristics and habitats as no direct or indirect effects to the qualifying features or species are predicted during the construction phases due to:

- Distance from the site being far enough to avoid any negative impacts.
- The lack of suitable habitat present at the Development Site for supporting qualifying species.
- No impact on water quality.
- Method and means of foul water disposal.
- Negligible pre-mitigation visitor pressure.

ALP policy ENV DM2 requires residential developments located within 5km distance ('Zone B') of Pagham Harbour to make a financial contribution towards the provision of accessible natural open green spaces to serve the area. Subject to this financial contribution being secured through the S106, the proposals will accord with policy ENV DM2.

BIODIVERSITY NET GAIN (BNG)

The original BNG calculations indicated a net gain of 10.71%, using the Biodiversity Metric 2.0. The Council's Ecologist requested that an updated BNG assessment be carried out, using the latest metric. The comments also reflect on the minor adverse effect predicted to occur on Skylarks at a local scale, reported in the ES (September 2022). The Council's Ecologist suggested that a bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Priority farmland birds, particularly Skylarks are mitigated, and this has been adequately addressed through the inclusion of a suitably worded planning condition.

Volume 1, Chapter I of the original Environmental Statement (ES) indicated that of the 31 hedgerows at the Development Site, 26 are to be retained with four scheduled to be lost (H5, H13, H16 and H17) and one reduced or partially lost (H25), in total it is estimated that just over 2km of hedgerow is to be lost. An additional 5.15km of hedgerows and tree lines are shown as being provided on the illustrative masterplan. Despite the additional planting a loss of -14.95 hedgerow units is predicted and as such, if unmitigated, the loss of hedgerows at the Development Site will be Minor Adverse.

An updated biodiversity net gain calculation, Table 1 of ES Addendum, was prepared using the Biodiversity Metric 4.0 which indicates a moderate net gain of 11.33% for habitats and a -2.95% loss for hedgerows. The updated BNG calculation has found the net loss in hedgerow units to be less than previously reported in the ES (September 2022), which was -14.96%.

There are 5.15km of new hedgerows specified in the illustrative masterplan which deliver a total of 21.79 hedgerow units. To compensate for these lost hedgerows and ensure a net gain is achieved, a minimum of 2.18km of additional new native hedgerow above that identified is estimated to be required. Given that over 40ha is being provided for open space delivering new hedgerows of at least 7.33km across the site is achievable.

Any 'Reserved Matter' application relating to landscaping would be required to demonstrate how hedgerow loss is further minimised and appropriate mitigation secured to provide sufficient lengths of additional, high value hedgerows to achieve the BNG target. This approach is consistent with and confirms the residual effects reported in Chapter I of the ES (September 2022), which stated that an appropriate level of BNG was achievable.

The applicant proposed the submission of a Construction and Environmental Management Plan (CEMP) for each phase of the development. The CEMP would secure details of ecological avoidance and mitigation to be implemented during the construction of the development, identifying all sensitive habitats including hedges and watercourses. It will also impose buffers around habitats where temporary fencing is required to ensure that development does not adversely impact upon ecology.

Subject to the inclusion of appropriately worded conditions the proposal would comply with Policies ENV DM3 and ENV DM5 of the Arun Local Plan as well as the National Planning Policy Framework in terms of species and habitat protection and mitigation.

AGRICULTURAL LAND

The agricultural land classification for the site identifies pockets of Grade 2 and 3b with one area indicated as Grade 5 but most of the site is identified as Grade 3a (Figure 4.4 of the PEA). The Development Site therefore consists primarily of best and most versatile agricultural land, primarily in the Subgrade 3a category (considered to be 'Good' in the context of the ALC descriptors).

Policy SO DM1 in the Arun Local Plan is clear that any form of development not associated with agriculture, horticulture or forestry will not be permitted on Grade 1, 2 and 3a land 'Unless designated by this Plan or a Neighbourhood Development Plan'. Given this site is designated within the Local Plan as a strategic housing allocation, the loss of this agricultural land for residential purposes is acceptable in principle and permissible in accordance with policy SO DM1 because the issue regarding the loss of agricultural land was considered as part of the Local Plan preparation.

However, there is still a need for mitigation measures, including a Soil Resources Plan which demonstrates that care will be taken to preserve the soil resource such that it can be incorporated into a Productive Green Environment, as required by policy SO DM1. Therefore, an appropriately worded condition will need to be imposed to secure details of these measures prior to the commencement of development.

FLOOD RISK

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding.

The NPPF requires development to be located in areas at the lowest risk of flooding (paragraph 168) and that when determining planning applications, local authorities should ensure flood risk is not increased elsewhere (paragraph 173). Major developments should also incorporate sustainable drainage systems unless there is clear evidence to suggest this would be inappropriate (paragraph 175).

A Flood Risk Assessment (FRA) was submitted in support of the application (Appendix E1 of the Environmental Statement) alongside a Sustainable Drainage Report (Appendix E2 of the ES), produced by Pell Frischmann. The key findings of the FRA were as follows:

- The Site is wholly within Flood Zone 1 and is at low risk of flooding from fluvial and tidal sources. This low risk of flooding remains when considering the potential future impacts of climate change.
- A network of small irrigation ditches and ordinary watercourses currently flow within and alongside the Site boundary. The risk of flooding from these sources is assessed as low, due to their limited catchment size and relatively high conveyance capacity.
- Groundwater flooding was identified as a potential risk to the Site. Monitoring of groundwater levels has identified a gradient within this groundwater where levels are higher in the south and lower in the north, indicating a pathway for baseflow to the ditches and Elbridge Rife.
- A suite of mitigation measures, to be secured via conditions, is recommended to address the identified risks, to maintain and improve the condition of the local watercourses and to ensure flood risk is not increased elsewhere because of the proposed development. Details of these should be submitted with each subsequent Reserved Matters Application.

To manage the impacts of groundwater on trenches and excavations during construction, the FRA includes several recommendations in respect of a suitable dewatering strategies. Opportunities for long-term monitoring of groundwater levels have also been identified which will aid the Lead Local Flood Authority (LLFA) in understanding the impacts of groundwater and to help convey messages and information to residents to improve their resilience to the potential impacts of flooding.

Following the submission of further clarifications by the applicant, the Environment Agency, WSCC as LLFA and ADC Drainage have confirmed that the FRA is in accordance with the requirements of the NPPF. The FRA demonstrates that the development could proceed without being subject to significant flood risk, providing the mitigation measures identified and set out in the Drainage Strategy are implemented as part of the phased development of the site. Furthermore, the development will not result in increased flood risk to third parties subject to the suitable management of surface water runoff.

Therefore, the proposed development subject to appropriate conditions would accord with the flood risk policies set out in the Arun Local Plan and the NPPF.

SURFACE WATER DRAINAGE

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. Environment Agency (EA) flood maps show that the site is wholly situated within Flood Zone 1 and as such is not classified as being at risk of flooding by main rivers or tidal sources. Although the high-water table increases the risk of groundwater flooding,

A Sustainable Drainage Report and strategy forms part of the submitted FRA (Appendix E2) and has been reviewed by the Council's drainage engineers. The sites catchment drainage is to Elbridge Rife to the north, Orchard Caravan Park in the central area and to the anti-tank ditch in the southern area. Most of the site falls within the Aldingbourne Rife surface water catchment body, the area to the south forms part of the Pagham Rife surface water body catchment.

As part of developing the parameter plans for the scheme, there are several embedded mitigation measures related to flood risk and drainage. This included appropriate standoff from all the main watercourses being applied, including attenuation ponds, with no built development located within 3m of the top of bank of these watercourses in line with Arun District Council's future maintenance requirements.

The Sustainable Drainage Report (Appendix E2) has, from project inception, identified a suitable strategy for the management of surface water from the Proposed Development. It sought to outline existing surface watersheds and retain these wherever possible to avoid localised issues with catchment transfer.

From these catchments, a suitable method of surface water disposal was identified to the relevant watercourses (with limited source control infiltration methods) together with a suitable maximum allowable discharge rate.

This discharge rate is equivalent to the pre-development greenfield runoff rate and will be used to restrict runoff for all storm events, including appropriate increases in rainfall intensity to allow for the impacts of climate change. Allowances have also been made for the impacts of urban creep within the development as per West Sussex County Council's policy.

Within the parameters plans, suitable space has been allowed to accommodate sustainable drainage features, such as ponds and basins that will accommodate the additional runoff generated by the Proposed Development, while allowing for discharge at, or less than the pre-development greenfield rate.

The Council's Drainage Engineers have raised no objections in principle and are content that a suitable drainage scheme can be secured using appropriately worded conditions. On this basis, there is no conflict with the relevant drainage policies.

FOUL DRAINAGE

ALP policy W DM1 states all major 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. It is understood that foul drainage from the site will be directed towards the Ford Wastewater Treatment Works. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

The FRA and Indicative Foul Water Drainage Strategy identifies that there is an existing public foul sewer running adjacent to the site boundary on the northern and southern ends and that taking account of site levels constraints, a combination of gravity and pumped systems are proposed to drain foul effluent from the site with a discharge into the existing public sewer. A temporary pumping station would be required for Phase 1 with a permanent pumping station then provided to service the entire site. An indicative location has been identified within the northern open space for such provision.

Southern Water have raised no objection to the proposal but have confirmed no foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete. A minimum of 24 months from a firm commitment for development is required by Southern Water, who will liaise with the developer, to deliver network reinforcement that aligns with the proposed occupation of the development.

It is material that, as per Ofwat rules, where a development can connect directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey, and the new connection would be subject to infrastructure charges.

However, due to known foul drainage issues within the district it is recommended that a condition is imposed which will require occupation of the development to be phased to align with the implementation of the reinforcement works by Southern Water. This condition will ensure that the development does not increase flood risks off site. Subject to the proposed condition the development would accord with policy W DM1 of the Arun Local Plan.

HERITAGE

The requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990 are reinforced by the National Planning Policy Framework (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. This requires that the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) to be identified and assessed and for this to inform future change to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 213 of the NPPF states that the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting. Paragraph 209 of the NPPF states that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

It should be noted that the Courts have held that 'preserve' means an absence of harm. The NPPF points out that harm can be either 'substantial' or 'less than substantial' and where harm occurs, it should be given considerable weight as a material consideration in the assessment of planning balance. This national policy intent is addressed by ALP policy HER SP1 which states development likely to prejudice heritage assets and their settings will be refused. Whilst Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Paragraph 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 208 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. Where 'less than substantial harm' is identified it is necessary to counterbalance that harm against the level of public benefits associated with the proposal (as set out in para 209).

There are several listed buildings in the vicinity of the site, including the Grade II listed Morell's Farmhouse, Neale's Farmhouse and Lagnersh Farmhouse. A 'Settings Assessment' was undertaken on behalf of the applicant by Cotswolds Archaeology which considered the potential impacts of the development upon the designated heritage assets (see Appendix F2 of the Environmental Statement). This assessment concluded that the site does not make any meaningful contribution to the significance of the Grade II Listed Lagnersh Farmhouse and Neal Farmhouse due to the lack of any clear visual, historical or functional relationships. With the key elements of the settings of these assets, represented by gardens and associated outbuildings within their immediate surroundings, which would be preserved. Accordingly, no harm was identified to the significance of these assets as a result of the proposed development.

With regards to Morell's Farmhouse, the assessment concludes that land within the south of the site makes some contribution to the significance of the heritage asset by way of reflecting the historically rural context of the farmhouse. The introduction of housing within this landscape would alter the existing rural setting, changing its character to one which is distinctly urban.

Having regard to the Applicant's assessment and findings and the views of the Council's Conservation Officer, the loss of the rural setting of Morrell's Farmhouse would result in some level of harm to the setting of the farmhouse.

The Council's Conservation Officer has confirmed that given the adoption of specific design measures, such as the retention of open space immediately south and east of the listed building, and the use of supplemental planting along the existing site boundary (these measures will be secured through the Parameter Plans and can be controlled through the use of conditions), the overall level of harm would not exceed the lower end of 'less than substantial', as identified by the NPPF. Where a development results in 'less than substantial harm' to the significance of a designated heritage asset, this harm should be

given great weight in the planning balance. Therefore, the harm arising is required to be weighed against the public benefits of the proposal.

As noted by the Strategic Policy Allocation SD3, the development of this site would result in the provision of a significant number of new homes and specialist accommodation for the elderly. With the current Housing Land Supply (HLS) position and the Development Plan being out-of-date for housing delivery purposes, this benefit must be attributed significant weight in the planning balance. It should be noted at the time the Local Plan was adopted, it was anticipated that this site would be contributing to the HLS by 2023/24 and the delays in delivery have had a significant impact on the Council's HLS.

In addition, the development would enable the provision of community, sport and health facilities along with new retail provision and employment floorspace serving not only the new residential areas but the wider area. Whilst each of these elements would carry different levels of weight, overall, the combined weight attributed to these benefits would be moderate.

The development will also generate employment opportunities during the construction phase of the development as part of ADCs skills programme which would be secured through condition. As this programme would not be permanent, it could only attract moderate weight in terms of public benefit.

Future residents will also generate additional spending on goods and services within the local area and bring additional capital receipts through Council and Business Tax payment which is considered to carry some limited weight.

The combined short and long-term public benefits would significantly outweigh the 'less than substantial' harm that would arise to the setting of the designated heritage asset (Morell's Farmhouse) in accordance with Paragraph 202 of the NPPF. Therefore, the proposed development is in accordance with relevant development plan policies.

As the masterplan is 'illustrative' and 'Reserved Matters' application/s would follow in respect of siting, scale, appearance and landscaping, the need to consider the impact of the proposals upon the designated heritage assets would need to be revisited during 'Reserved Matters' stage.

ARCHAEOLOGY

ALP Policy HER DM6 states that where a site has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the site.

To assess the impact of development proposals at the Site and in accordance with policy HER DM6, an Archaeological Desk-Based Assessment was prepared in 2008 and forms Appendix F1 of the Environmental Statement (ES) submitted in support of this application. In addition, an archaeological evaluation of 410 trenches was carried out within the Site between August and October 2008 in accordance with a Written Scheme of Investigation (WSI) approved by the Council's archaeological advisor (see Appendices F1 and F2 of the Environmental Statement).

To minimise the effects of construction activities upon archaeological remains within the Site, an appropriate programme of archaeological mitigation will be undertaken prior to and during construction and this will be secured through the imposition of an appropriately worded condition.

In accordance with paragraph 206 of the NPPF, the recommended form and scope of the mitigation varies across the Site according to the identified sensitivity of known areas of archaeology and the likely construction impacts associated with the proposed land-use. Full details of the proposed mitigation are

outlined in Chapter O of the ES, which includes a proposed archaeological watching brief for monitoring during construction works to record any remains present and if any remains of higher significance are identified then further investigation must be carried out.

The previous 2008 evaluation (Appendix F2 of the ES) has enabled the development proposals to be tailored to allow preservation in-situ of several areas of identified archaeological remains of high and medium sensitivity, through their inclusion within public open space as set out in the Parameter Plan.

The Council's Archaeologist has been consulted and is in agreement with the conclusions regarding the potential impact of this proposal on deposits of interest. Therefore, the proposed development is in accordance with policy HER DM6 subject to the imposition of a suitably worded condition to secure detailed recording of finds prior to development taking place.

GROUND CONTAMINATION

The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (paragraph 180). ALP Policy QE DM4 states development will be permitted on land that is contaminated if remediation is provided. Applicants are expected to carry out adequate investigation to inform a risk assessment.

A Preliminary Risk Assessment - Geotechnical and Geo-environmental Desk Study has been prepared and included at Appendix KI of the Environmental Statement (ES). This assessment concludes that the geo-environmental risks associated with the site are either Low Risk or Very Low Risk. Most of the Site is considered unlikely to be subject to significant land contamination constraints, however, there is a risk that the former airfield in the south could have been contaminated through historic refuelling activities. There is also potential for asbestos to be found on site from the demolition of former structures.

The Council's Environmental Health Officer has been consulted and has not objected to the proposals subject to contamination conditions being imposed at both Outline and 'Reserved Matters' stage. Subject to these conditions there would be no conflict with Policy QE DM4 of the ALP.

AIR QUALITY

Air quality is considered in the NPPF which seeks to ensure that new developments are appropriate for their location considering any likely effects of pollution on health, living conditions and the natural environment. Although the site and proposed development is not located in an Air Quality Management Area (AQMA), account needs to be taken of the fact that traffic generation from the proposed development could have an impact on the AQMA on the A259.

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network, reducing journeys by private car. The Policy also requires all major development to assess the likely impacts of the development on air quality and mitigate any negative impacts in respect of air pollution.

Chapter M of the ES which relates to Air Quality has taken account of the relationship between the site, the Air Quality Management Area (AQMA) on the A259 and the impacts of the proposed development on local air quality in terms of dust and particulate matter emissions during construction, as well as emissions from road traffic generated by the completed and occupied development. Consideration has been given to mitigation measures which have been evaluated and designed to accord with the air quality and emissions mitigation guidance for Sussex (Sussex-air Air Quality Partnership, 2020).

The Air Quality Assessment concludes that the proposed development is consistent with paragraph 198 of the NPPF, being appropriate for its location both in terms of its effects on the local air quality environment and the air quality conditions for future residents. The proposed development is also consistent with paragraph 199, as it will not affect compliance with relevant limit values or national objectives.

The development has also been designed to promote active travel networks such as pedestrian and cycle routes and sustainable travel by ensuring vehicular routes are suitable for use by buses.

The Environmental Health Officer has been consulted and raised no objection to the proposals and has agreed that the methodology, findings and calculations of the Air Quality Assessment are reliable. It is recommended that any future permission granted is in accordance with the Air Quality Consultants report, to include the built in emission mitigation measures detailed in section MS.15 of 'Air Quality Assessment: Land West of Bersted, Bogner Regis' (dated July 2022).

Measures for the control of dust during construction will be secured as part of the Construction Management Plan condition and as identified above conditions relating to electric vehicle charging points are also recommended as a polluting reducing measure.

Subject to the inclusion of the proposed conditions the development is deemed to accord with policy QE DM3 of the Arun Local Plan and the NPPF.

NOISE AND VIBRATION

The NPPF under Para 187 and Policy QE DM1 (Noise Pollution) and D DM1 (Aspects of Form and Design) of the ALP set out the requirement for noise impacts to be assessed and appropriate mitigation to be defined as part of a Noise and Vibration Assessment.

An Environmental Noise Survey has been undertaken to determine the noise climate around the boundary of the proposed development, this is detailed in Chapter L of the Environmental Statement (ES). The assessment has looked at both noise arising from existing sources that have potential to affect the proposed development (site suitability) and noise arising from new sources due to the proposed development that have potential to affect existing sensitive receptors.

The draft construction and environmental management plan (CEMP) estimates that during the peak build out periods, in the region of 75 construction vehicles could be expected daily, equating to 150 overall trips. The proportional change in heavy goods vehicles (HGV) composition along major links is expected to increase by a maximum of 8% to 10% assuming a worse case where all HGVs will access either the northern or southern site entrances. These increases result in a minor impact on noise levels (below 3dB). However, during the operation of the development, the long-term effect from traffic noise is 'not significant'.

It is envisaged that the cumulative noise associated with the commercial elements of the proposals will be designed to meet the respective limits and, therefore, the effects are likely 'not significant'. Appropriate separation distances between the commercial development and residential receptors can be secured as part of any subsequent Reserved Matters Applications.

Chapter L of the ES sets out the mitigation and monitoring proposed for the development, noting all works will be undertaken using Best Practicable Means as defined in the Control of Pollution Act. Works are planned to only occur during the daytime hours, avoiding the potential to disturb residents during the most sensitive periods of the night. Mitigation measures will become bespoke once a contractor has

been appointed and Reserved Matters Applications have progressed. It is expected that, where necessary, each Reserved Matters Application will be accompanied by a detailed noise assessment for construction works (this could be secured by condition referring to each phase of the development).

Environmental Health have assessed the application and have raised no objection in relation to noise. However, it is recommended that any future permission granted is in accordance with Chapter L of the ES and Appendices 11-5. Conditions to control noise and vibration impacts as part of the CEMP have been proposed as well as restrictions on delivery times and construction hours. Subject to the inclusion of appropriately worded conditions the proposed development would comply with policies QE DM1 and D DM1 of the Arun Local Plan.

LIGHTING

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider rural landscape, particularly in relation to the rural environs and ecology. It is also stated that schemes proposing outdoor lighting be accompanied by a Lighting Assessment. No assessment has been provided but it would be standard practice to impose a suitably worded condition to secure lighting details. Environmental Health have been consulted and have raised no objections. Therefore, subject to the imposition of a suitably worded condition the proposals would accord with policy QE DM2 of the Arun Local Plan.

CLIMATE CHANGE

Policy ECC SP1 of the ALP identifies that development should be appropriately located and designed to adapt to impacts arising from climate change. Policy ECC SP2 requires that new residential and commercial development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application has submitted a sustainability statement which analyses the proposal against relevant development plan policies and the Arun Design Guide. It discusses water sustainability (discussed elsewhere), shade/cooling/ventilation/solar gain, access to green infrastructure, use of weather resilient materials and energy efficiency/renewable energy. In respect of the latter, it states:

- Solar panels to be added to 17% of roofs in the detailed area with further in the outline area.
- Homes built from 2025 will produce 75-80% less carbon emissions than developments under current regulations.
- Changes to the Building Regulations in the coming year (2022) are foreseen to produce 31% less carbon compared to the current regulations.
- Use of high spec glazing, thick external walls & recovery of heat through Mechanical Ventilation Heat Recovery.

Compliance of the proposed residential development with policy ECC SP2 can be secured through the imposition of a suitably worded pre-commencement condition requiring that 10% of the predicted energy requirements through renewable or low carbon energy generation on-site (after fabric first measures have been taken into consideration).

Retail, commercial, employment, leisure, education and health uses will also be required to accommodate the sustainable use of water and accommodation of renewable or low carbon energy. There would be a requirement to include provision of electric vehicle charge points throughout the development. Subject to the imposition of appropriately worded conditions the proposed application would be in accordance with relevant development plan policies.

EDUCATION

The Local Plan site allocation policy requires the need to deliver a new primary school as part of the development. Discussions with WSCC have confirmed this should be a three-form entry Primary School with Nursery (Early Years) and Special Educational Needs places (SEND). The land use parameter plan indicates the intent to locate the primary school site (minimum site area of 3.03 hectares) in proximity of the southern local centre. This location would be along the spine road which runs through the Site providing good connectivity for walking, cycling and public transport.

The primary school (including Early Years and SEND provision) will be designed in collaboration and agreement with the WSCC Education Authority and will be the subject of a 'Reserved Matters' application. WSCC have confirmed they are satisfied with the overall provision and siting of the Primary School with SEND and Early Years Provision. WSCC have advised that the primary school capacity review has demonstrated an existing capacity within the Bognor Regis catchment area which would allow up to 1,000 dwellings to be occupied prior to the new primary school being open. The Primary School (including Early Years and SEND) provision will be secured through the S106 Agreement.

Secondary School needs (including sixth form) for the residential element of the development will be met by a new secondary school which is to be provided off-site. Financial contributions will be secured through the S106 Agreement, to support its delivery using the existing calculator.

There is currently insufficient secondary school capacity to accommodate the children generated by the proposed development within the Arun District. This will mean that until such time as the new secondary school is delivered children will need to be transported out of district to attend secondary school. Therefore, WSCC have requested that an additional financial contribution is secured towards the transport costs associated with this until such time as the new secondary school is operational.

This approach is supported and is indeed identified through the Department for Education document 'Securing developer contributions for education (August 2023) which under paragraph 41 states that "We advise local authorities with education responsibilities to work jointly with local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school expansion and any associated school transport costs before a permanent new school opens within a development site. This does not mean double funding the same school places but allows development to be acceptable in planning terms when it is not possible to open a permanent new school at the point of need."

A methodology was put forward by WSCC which seeks to address this and was initially agreed with ADC. However, through the determination of this application planning officers have raised concerns with the reasonableness of the methodology. This concern relates specifically to the duration for which financial contributions are sought. Due to the scale of the proposed development build out is anticipated to be approximately 12 years (assuming the delivery of 200 dwellings per annum), this would mean that applying the previously agreed methodology results in a financial contribution which would cover 28 years. It should be noted that WSCC have confirmed that the contribution would cease at the point the secondary school was delivered but it is the opinion of officers that it is unreasonable to take the approach that the secondary school will never be delivered.

The LPA consider that a reasonable worst-case scenario would be 10-years based on the following presumptions given that the Arun Local Plan review is currently at Regulation 18 (options and appraisal) stage:

- 4 years - Site identification and Local Plan preparation.
- 2 years - Compulsory purchase process to secure the site.
- 2 years - Obtain planning permission.
- 2 years - Build out.

Failure to deliver this vital infrastructure within the identified 10-year period would constitute a significant failure on behalf of the LPA and WSCC as Education Authority.

However, it should be noted that any children needing to attend a secondary school outside of Arun would remain in the same secondary school for the full duration of their secondary education. Therefore, to allow for this a final payment will be required upon delivery of the new secondary school or expiration of the 10-year period (which ever comes sooner) to cover the ongoing transport needs of these children.

The revision of the methodology pertains specifically to the duration for which it will be paid with all other elements reflecting that set out by WSCC including the transport cost per child and the predicted number of children generated by the development.

Officers have engaged with WSCC in relation to the revised secondary transport methodology, but no agreement has been reached. The Education Authority maintain that their methodology is necessary to ensure the County Council are not exposed to the risk of additional transport costs in the event the secondary school is not delivered. However, it is the view of the Local Planning Authority (LPA) that the methodology proposed is reasonable and will provide sufficient time to secure the delivery of the secondary school to meet the needs of the district. As the Local Planning Authority, we are not bound to follow consultation responses or request for infrastructure contributions. If there is a good reason why we have reached a different conclusion on any matter, then it is a legally sound position.

Subject to securing the contributions identified above through the S106 Agreement, the proposed development will adequately mitigate its impact upon education provision within the district. Review mechanisms within the S106 framework will allow for the claw back of education contributions if circumstances change, and the provision is no longer required, this will enable an increase in the provision of affordable housing.

HEALTH PROVISION

The Environmental Statement (ES) includes (at Chapter G) a socio-economic assessment which considers the baseline conditions for the area surrounding the Site. The operational impact on health services is considered and identified as not-significant minor adverse. In response to this the application proposes to include flexible floorspace within the local centre (to the south of the site) which could accommodate a GP practice. NHS West Sussex Clinical Commissioning Group (CCG) has been consulted and confirmed that its preference is for a new facility on the site that could cater to the needs of the new residents.

The NHS has confirmed their preference is for the facility to be located on-site to provide a range of health care services for the new community. A minimum agreed floor area for the new health care facility to accommodate the range of services required is to be included within the S106. The option to request up to 300sqm additional floorspace to accommodate enhanced health care provision is also to be included within the S106, this flexibility will allow for organic growth of the facility. The NHS Property team will be given the opportunity to comment on and agree to the internal layout of the facility and it must be in accordance with General Build Notes and BREEAM Excellent standard. This approach and the mitigation identified is deemed appropriate to ensure that the impacts upon GP services arising from the development are adequately offset.

SELF-BUILD & CUSTOM BUILD PROVISION

Arun Local Plan Policy H DM1 states 'the Council will encourage the development of self-build homes' on appropriately sized, serviced/or capable of being serviced sites, and that 'such sites can be provided either as part of a development scheme or on an individual basis'. Policy H SP2 which relates to strategic site allocations states that a key requirement is to (p) consider inclusion of an area of the sites for Self-Build and Custom-Build. In addition, Principle SDP 6 of the endorsed Masterplan states:

"Opportunities should be considered for inclusion of an area of the site for self-build and custom build homes and community led housing such as Community Land Trusts".

Based on the number of persons on the Council's Self-Build Housing Register, it is reasonable that this part of the strategic allocation would contribute 2% (approx. 44 units) as self-build / custom-build. This provision would need to be secured through a planning obligation in the S106 Agreement requiring the submission of a site plan denoting the location of the Self-Build plots and a Statement confirming how these will conform with the regulations. The S106 would also place a legal obligation to provide self-build/custom-build plots and to provide details of the marketing strategy and the duration for which the units should be marketed. Subject to the submission and agreement of a sales report setting out the steps and methods taken to advertise and sell the plots, after an agreed period, the plots would revert to private market dwellings. On this basis the proposals are deemed to accord with policies H DM1 and H SP2 of the ALP.

LIBRARY PROVISION

WSCC have confirmed the requirement for a pro-rata contribution towards the provision of a new Tier 7 library on site. The financial contribution secured would be for fitting out of space to be provided on site which would include shelving, books and self-service facilities. A fall-back position has also been identified for contributions to be directed towards the nearest library should a Tier 7 facility not be delivered. It is envisaged that the Tier 7 facility will be provided as part of the sports hub as they are unmanned facilities required to be provided alongside other community facilities.

FIRE AND RESCUE

Mitigation is required in the form of a financial contribution towards the expansion of fire and rescue capacity which could be built infrastructure (such as hydrant provision) or investment in new technology/equipment to help meet the needs of the development. WSCC Fire and Rescue has recommended a condition be imposed regarding the siting and provision of hydrants.

POLICE SERVICES

Mitigation is required in the form of financial contributions to secure additional resourcing for policing arising from the new development. This includes recruitment and training additional Officers and Support Staff, facilities and an additional vehicle for the Neighbourhood Police Team. Financial contributions towards these elements will be secured through the S106 Agreement.

ENVIRONMENTAL STATEMENT

Given the size of the Site and the quantum of development proposed, the development constitutes Environmental Impact Assessment (EIA) development as defined within Schedule 2 of the EIA Regulations. Specifically, part 10 (b) 'Urban Development Projects' threshold.

In accordance with Regulation 15 of the EIA Regulations, a Scoping Opinion was requested from ADC

on 31st August 2020 and the Scoping Opinion was issued by Arun District Council on 15 October 2020.

The Application was accompanied by an Environmental Statement (ES) that reported the likely significant environmental effects of the proposed development and identifies mitigation measures where required. A suite of application reports and plans have been submitted to accompany the Application, together with the ES.

Significant assessment work has been undertaken by the Applicant's team to build environmental improvements and mitigation into the design of the proposed development and reduce adverse effects as far as is possible. The ES concludes that there are unlikely to be 'significant residual adverse environmental effects' because of the proposed development. 'Embedded' mitigation measures are proposed within the parameter plans and further mitigation measures will be secured as part of the planning application, either by condition or via the S106 Agreement.

The applicant submitted an Addendum to the ES in early October 2023, this took account of proposed updates following several comments raised by consultees and the 30-day consultation process was followed.

Officers, having considered consultation comments in relation to the various chapters of the ES and the subsequent Addendum, are satisfied that the ES demonstrates that all mitigation required to appropriately address likely significant environmental effects of the development can be secured to an acceptable level.

Additional technical and environmental assessments will be undertaken to support the detailed designs, which will be the subject of future Reserved Matters planning applications. This will ensure that the environmental effects of the proposed development will remain consistent with, or improve upon, those identified within the ES.

SUMMARY

As identified under paragraph 11(c) of the NPPF, development proposals that accord with an up-to-date development plan should be approved without delay. In this case the proposed site is allocated for residential development under policy H SP2a (SD3). Therefore, subject to the developments accordance with the site allocation policy and relevant development plan policies the application should be approved.

This report concludes that the principle of the development is accepted, and significant benefits would arise in terms of the new housing, care home, employment, and social and physical infrastructure to be provided on the site. In relation to heritage, it was concluded above that the development would result in less than substantial harm which when balanced against the public benefits would be acceptable. Given this site is designated within the Local Plan as a strategic housing allocation, the loss of this agricultural land for residential purposes is acceptable in principle and permissible in accordance with policy SO DM1.

Highway impacts are considered acceptable in both the construction and operational phases, subject to the phased implementation of the identified off-site mitigation measures secured via the S106 and works controlled by condition. The new access points to the site and the phasing of the new link road are considered acceptable, no impacts have been identified, the phasing of its delivery is to be controlled by condition.

The Design Principles document and Illustrative Masterplan accord with the guidance set out within the site allocation policy within the ALP and Framework Masterplan. The overall layout and design principles will be referenced within the design code condition to guide subsequent Reserved Matters Applications

and ensure the design intent for the Site is delivered. It is not appropriate to consider other matters which relate to layout, scale, design or landscape until reserved matters stage. The landscape strategy provides areas of continuous uninterrupted open space of approximately 25 hectares (approximately 40% of the site area) distributed across several character areas. It is noted that the South Park and Green Fingers Character Areas are intended to reflect the former RAF 'Advanced Landing Ground' runways'. A varied and changing parkland landscape incorporating passive and active play, leisure, recreational, educational and ecological benefits is to be delivered in accordance with ALP policy OSR DM1 and HWB SP1.

In relation to social infrastructure, significant benefits will arise from the provision of a new healthcare facility to be provided within the local centre on the site, with potential capacity for further expansion, which is supported by NHS Estates. Appropriate education mitigation measures are to be provided in the form of a three-form primary school on site with early years and send provision, and a contribution to new secondary and sixth form provision. An appropriate financial contribution has also been secured towards interim secondary education transport. The package of school mitigation will be secured through the S106 Agreement.

No harm in respect of flood, drainage, ground contamination, air quality, noise and vibration, lighting, trees and hedgerows, ecology, habitats, biodiversity or climate change has been identified. An updated biodiversity net gain calculation, Table 1 of ES Addendum, was prepared using the Biodiversity Metric 4.0 which indicates a moderate net gain of 11.33% for habitats and a -2.95% loss for hedgerows. The updated BNG calculation has found the net loss in hedgerow units to be less than previously reported in the ES (September 2022), which was -14.96%. To compensate for the lost hedgerows and ensure a new gain is achieved, a minimum of 7.33km of additional native hedgerows will be secured through condition.

The proposals would not meet the 30% affordable housing provision requirement and tenure mix as set out in policy AH SP2 of the Arun Local Plan or policy HDQ4 of the Bersted Neighbourhood Plan. However, the independent assessment of the FVA by Carter Jonas has confirmed that due to high construction costs, current residential values, low affordable housing receipts, borrowing costs and the S106 contributions request the scheme can only deliver 10% affordable housing with a 50/50 social rent and shared ownership tenure mix. Whilst the affordable housing offer is below the policy requirements in terms of both provision and tenure mix the policy allows for deviation provided this is justified in terms of the scheme viability and delivery. The 10% affordable housing offer would, therefore, accord with policy AH SP2 of the Arun Local Plan. A review mechanism will be included within the S106 to ensure that additional testing of the FVA is undertaken during development to ensure that if any uplift in affordable housing can be achieved it will be negotiated in the later phases of the scheme delivery. Similarly, any S106 contributions, which are subsequently identified as not required would revert to allow for a higher percentage of affordable housing provision.

Therefore, this Outline Planning Application is recommended for approval subject to the below conditions and completion of the S106 agreement. The S106 Heads of Terms will be distributed prior to the Planning Committee.

RECOMMENDATION

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

- a) Grant Planning permission subject to conditions; and
- b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report and the Heads of Terms document with authority for any minor amendments to be authorised by the Group Head of Planning.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

Financial contributions and infrastructure delivery will be necessary to make the development acceptable in planning terms and these will be secured through a S106 agreement. A full summary of the S106 requirements will be included within the Heads of Terms which will be distributed prior to Planning Committee.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 This permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters of layout, scale, appearance and landscaping ('the reserved matters') for each phase in accordance with a revised Phasing Plan to be agreed under Condition 4 shall be submitted to the Local Planning Authority before any development in that phase begins and the development shall be carried out in accordance with the approved plans.

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

- 2 An application for approval of the reserved matters for the first phase shall be made to the Local Planning Authority not later than four years from the date of this permission and that phase shall begin before the expiration of three years from the date of the first reserved matters approval for that phase. Applications for reserved matters for the remaining phases

shall be made within fifteen years from the date of this outline permission and begun before the expiration of three years from the date of the approval of each subsequently approved phase.

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

3 (A) The planning permission relates to the following approved plans:

- Site Location Plan -18723-SBR-ZZ-XX-DR-A-801134 Rev P2 date received 7 November 2022.
- Demolition Site Plan - 18723-SBR-ZZ-XX-DR-A-80115 Rev P2 date received 7 November 2022.
- Chalcraft Lane Traffic Calming Measures - A13395-SK004 Rev P06 date received date received 9 October 2023.
- A259 Elbridge Avenue B2259 & Dual Carriageway Link Junction 5a - A13395-WB-J5-100 Rev P09 date received date received 9 October 2023.
- A259 Elbridge Avenue B2259 & Dual Carriageway Link Junction 5a - Design Audit A13395-WB-J5-101 Rev P08 date received 9 October 2023.
- Max Legal Length 9UK) Articulated Vehicle (16.5) Swept Path A133395-WB-J5-102 Rev P08 date received 9 October 2023.
- A259 Elbridge Avenue B2259 Existing Roundabout Junction 5a - A13395-WB-J5-103 Rev P02 date received 9 October 2023.
- Chalcraft Lane / Lower Bognor Road Junction 9a with Spine Road Chalcraft Lane Priority Junction - A13395-WB-J9-100 Rev P09 date received 9 October 2023.
- Chalcraft Lane / Lower Bognor Road Junction 9a - Design Audit - A13395-WB-J9-101 Rev P07 date received 9 October 2023.
- Max Legal Length (UK) Articulated Vehicle (16.5m) Swept Path - A13395-WB-J9-102 Rev P06 date received 9 October 2023.
- Chalcraft Lane / Lower Bognor Road Existing Roundabout (J9) - A13395-WB-J9-103 Rev P02 date received 9 October 2023.
- A259 Northern Site Access & Dual Carriageway Link Junction 12 - A13395-WB-J12-100 Rev P07 date received 9 October 2023.
- A259 Northern Site Access & Dual Carriageway Link Junction 12 - Design Audit -A13395-WB-J12-101 Rev P07 date received 9 October 2023.
- Max Legal Length (UK) Articulated Vehicle (16.5m) Swept Path - A13395-WB-J12-102 Rev P06 date received 9 October 2023.
- Realigned B2166 / Spine Road Junction 12 with Spine Road - A13395-WB-J13-100 Rev P09 date received 9 October 2023.
- Realigned B2166 / Spine Road Junction 13 with Spine Road - Design Audit A13395-WB-J13-101 Rev P07 date received 9 October 2023.
- Realigned B2166 / Spine Road J13 Max Legal Length (UK) Articulated Vehicle (16.5m) Swept Path - A13395-WB-J13-102 Rev P07 date received 9 October 2023.

The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

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

(B) The development (including all reserved matters and other matters submitted for approval

pursuant to the conditions attached to this permission) shall be substantially in accordance with the following Parameter Plans.

- Parameter Plan 1. Land Use - 18723-SBR-ZZ-XX-DR-A-80101 Rev P3 date received 11 August 2023.
- Parameter Plan 2. Building Heights - 18723-SBR-ZZ-XX-DR-A-80102 Rev P3 date received 4 November 2022.
- Parameter Plan 3. Landscape and Green Infrastructure - 18723-SBR-ZZ-XX-DR-A-80103 Rev P3 date received 4 November 2022.
- Parameter Plan 4. Access and Movement - 18723-SBR-ZZ-XX-DR-A-80104 Rev P5 date received 17 July 2023.
- Parameter Plan 5. Neighbourhood and Character Areas - 18723-SBR-ZZ-XX-DR-A-80105 Rev P3 date received 7 November 2022.
- Restricted Zone Parameter Plan - 18723-SBR-ZZ-XX-DR-A-80112 Rev P1 dated received 11 August 2023.

Reason: For the avoidance of doubt and in the interest of visual, rural and residential amenity and the character / appearance of the surrounding area in accordance with Policies D DM1 and QE SP1 of the Arun Local Plan.

- 4 Notwithstanding the submitted Indicative Phasing Plan, no development shall commence (other than agreed enabling works) until a detailed scheme of phasing for the implementation of the development including the site accesses, internal accesses, the provision of the north-south Spine Road and vehicular connection into the Nursery Fields site (approved under reference BE/1/23/RES), and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the anticipated order for the commencement and completion of each phase of construction. Thereafter, the development shall be implemented in accordance with the approved Phasing Plan (or any updated Phasing Plan submitted to and approved by the Local Planning Authority).

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. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 Prior to first occupation or completion, whichever is the sooner, of any agreed phase of development, the vehicular and pedestrian access to that phase of the site from the existing road, shall be constructed in general accordance with approved plans referred to in Condition 3 and subject to the Highway Authority's technical and safety requirements. Once provided the access and visibility splays shall be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework and Policies T SP1 and TDM1.

- 6 The layout, scale, appearance and landscaping details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development or relevant phase (as applicable). Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site or relevant phase (as applicable) has been sold. The buildings or area shall be returned to their approved permanent appearance within 3

months of the date of the last dwelling on the site or relevant phase (as applicable) being sold.

Reason: In the interest of visual and residential amenity and the character/appearance of the surrounding area in accordance with Policies D DM1 and QE SP1 of the Arun Local Plan.

- 7 The development (including all reserved matters) shall accord with the exclusions and restrictions associated with the gas pipeline to the north of the site, as set out in the Health & Safety Executive's letter dated 30 August 2023 and Scotia Gas Networks response dated 13 March 2024. The gas pipeline restriction zone is shown in the Illustrative Masterplan and Parameter Plan Restricted Zone 18723-SBR-ZZ-XX- DR-A-80112 rev P1 dated 02/08/2023.

Reason: For the avoidance of doubt and to protect the environment and prevent harm to human health in accordance with policy QE SP1 of the Arun Local Plan.

- 8 Prior to the approval of any reserved matters applications a Design Code Masterplan shall be submitted to and approved in writing by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the main objectives of the:

- The Illustrative Masterplan, 18723-SBR-ZZ-XX-DR-A-80013 Rev P2 dated 4 November 2022..
- Illustrative Masterplan Highway Layout - A13395-WB-MP-100 Rev P07 date received 9 October 2023.
- Parameter Plan 1. Land Use - 18723-SBR-ZZ-XX-DR-A-80101 Rev P3 date received 11 August 2023.
- Parameter Plan 2. Building Heights - 18723-SBR-ZZ-XX-DR-A-80102 Rev P3 date received 4 November 2022.
- Parameter Plan 3. Landscape and Green Infrastructure - 18723-SBR-ZZ-XX-DR-A-80103 Rev P3 date received 7 November 2022.
- Parameter Plan 4. Access and Movement - 18723-SBR-ZZ-XX-DR-A-80104 Rev P5 date received 17 July 2023.
- Parameter Plan 5. Neighbourhood and Character Areas - 18723-SBR-ZZ-XX-DR-A-80105 Rev P3 date received 7 November 2022.
- Restricted Zone Parameter Plan - 18723-SBR-ZZ-XX-DR-A-80112 Rev P1 dated received 11 August 2023.
- Design Principles Report June 2023.

The Design Code Masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The subsequent reserved matters applications shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 9 The landscaping and layout particulars of each Phase to be agreed under Condition 4 shall be submitted in accordance with Conditions 1 and 2 and having regard to the CMP (Condition 16), CEMP / LEMP (Condition 43), shall include:

- Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed.
- Details of the positions, height, design, materials and type of boundary treatment to be

provided.

- Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree.
- The detailed landscape design for the Phase including the layout and design of the public realm within the Phase.
- Details of the surface, lighting and signage of all footpaths, cycle routes and a phasing plan for their provision.

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

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

- 10 Landscaping (hard and soft) shall be carried out in accordance with the approved details of each phase to be submitted. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation and/or use of each agreed phase or sub-phase of the development hereby permitted or the completion of the development within that phase, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other 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 of the Arun Local Plan.

- 11 Prior to the commencement of development of any phase, an updated Arboricultural Method Statement (AMS) and an updated Tree Protection Plan for that phase, including individual trees and groups of trees subject to Tree Preservation Order TPO/BE/3/20 shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed 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 the detailed layout plans. The approved mitigation measures shall be implemented and shall thereafter be maintained during the construction of the relevant phase.

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. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

- 12 No trenches, cable or pipe runs for services and drains shall be cut or laid within the root protection area of any retained tree as calculated in accordance with Table 2 of BS5837 (2012) or, if this information is absent, within a distance of 15m from the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with policy ENV DM4 of the Arun Local Plan.

- 13 The development hereby approved shall not exceed the maximum Gross Internal Floor Areas (GIA) for the respective uses as defined by the Town and Country Planning (Use Classes) Order 1987 as in force at the date of this permission, as set out below:

- Up to 2,200 residential units within Use Class C3.
- Up to 2 care homes or other senior living facilities within Use Class C2/C3 of up to 65 bedrooms in total.
- Up to 3,530sqm Gross Internal Floor Area (GIA) within Use Class C1 Hotel.
- Employment floorspace of up to 15,000 sqm Gross Internal Floor Area (GIA) within Use Class B2 and/or B8 and/or E(c) and/or E(g), with up to a maximum 7,200sqm Gross Internal Floor Area (GIA) within Use Class E(c) and/or E(g) (referred to as the Employment Development).
- Retail and community floorspace of up to 3,000sqm Gross Internal Floor Area (GIA) within Use Class E and/or F2 and/or public houses, wine bars or drinking establishments (with or without expanded food provision) of which up to 1,800sqm Gross Internal Floor Area (GIA) may be retail, service and food/beverage.
- A primary school of up to three form entry, early years (nursery) facilities and Special Educational Needs Facilities (SEND) provision (Use Class F1(a)).
- Open space, landscaping, drainage and other associated infrastructure and ancillary work.

Reason: To prevent any severe or unacceptable impact from the development on the A27 Trunk Road in accordance with paragraph 111 National Planning Policy Framework (July 2021) and paragraph 40 DfT Circular 01/2022.

- 14 No part of the development shall be occupied or used until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways and West Sussex County Council Highways). The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement.

For the business uses, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment, and effective enforcement of the approved Travel Plan.

The Framework Travel Plan's for the entire development shall be implemented as approved.

Reason: To minimise traffic generated by the development and to ensure that the A27 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

- 15 Notwithstanding the phasing plan to be submitted and approved under Condition 4, no development shall commence on site on any phase or use, including any works of demolition, site clearance or preparation, until details of a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and West Sussex County Council as the Highway Authority. Thereafter the approved Construction Management Plan/s shall be implemented and adhered to throughout the entire construction period. The Construction Management Plan/s shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and during the construction works;
- Measures to minimise the impact of noise (including vibration) generated by the construction process on nearby sensitive receptors - to include hours of work, proposed method of piling for foundations and the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting to be used during construction, including location, height, type

and direction of light sources and intensity of illumination;

- The anticipated number, frequency and types of vehicles used during construction;
- Method of access and routing of vehicles during construction;
- Parking of vehicles by site operatives and visitors;
- Loading and unloading of plant, materials and waste;
- Storage of plant and materials used in construction of the development;
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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);
- Measures to control the emission of dust and dirt during construction, in accordance with the IAQM guidance document 'Assessment of dust from demolition and construction, 2014'; and
- A scheme for recycling/disposing of waste resulting from construction works i.e. no burning permitted.

Reason: In the interests of highway safety on national and local roads, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the construction activities need to be approved and implemented before development is commenced.

- 16 No dwelling or use forming part of the relevant phase (as approved via Condition 4) shall be occupied until the A259 / Elbridge Avenue / B2259 / Northern Site Access Junction (Junction 5a) and the A259 / Northern Site Access Junction (Junction 12) has been completed. Following completion of the second northern site access junction, the A259 Dual Carriageway Link between the two junctions shall be completed in accordance with the approved plans listed in Condition 3.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan.

- 17 No dwelling or use forming part of the relevant phase (as approved via Condition 4) shall be occupied until either the B2166 Lower Bognor Road / Southern Site Access Junction (Junction 13) or the Chalcraft Lane / Southern Site Access Priority Junction has been completed. Before completion of the 500th dwelling the Lower Bognor Road / Southern Site Access Junction (Junction 13), the scheme to improve the B2166 Lower Bognor Road / Chalcraft Lane / Hewarts Lane Junction (Junction 9) and the realigned Lower Bognor Road / spine road link between the two junctions shall be completed in accordance with the approved plans.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1, T SP1, T DM1 of the Arun Local Plan.

- 18 The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

1. A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time (or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

2. 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.
3. Full details of cycle storage including elevations where provided in separate buildings; and
4. A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 19 No dwelling or use shall be first occupied or used until a scheme of cycle improvements at the B2166 Lower Bognor Road Roundabout including a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority .

Reason: To provide enhanced cycle provision and encourage the use of cycling in accordance with Policy QE DM1, T SP1 and T DM1 of the Arun Local Plan.

- 20 No more than 225 dwellings shall be occupied which are accessed from the southern accesses (Junctions 9a and 13) ; and no more than 338 dwellings shall be occupied which are accessed from the northern accesses (Junctions 5a and 12) until such time as the spine road has been constructed and is open to the through traffic.

Reason: To secure the provision and delivery of the spine road in accordance with Policy QE DM1, T SP1, T DM1 of the Arun Local Plan.

- 21 No dwelling or use shall be first occupied until plans and details and a timetable for implementation of pedestrian accessibility improvements within the public highway comprising the provision of tactile paving and or dropped kerbs have been submitted and agreed in writing with the Local Planning Authority. The improvements shall thereafter be implemented in accordance with the agreed timetable. For clarity, the following locations shall be improved through agreement with the Local Planning Authority in liaison with West Sussex County Council as the Highway Authority:

- Westminster Drive between Truro Crescent and Ripon Gardens.
- West Meads Drive at junction with Chalcraft Lane.
- Frandor Road at junction with West Meads Drive.
- Pevensey Road at junction with Amberley Drive.
- Brook Close at junction with Amberley Drive.
- Lewes Close at junction with Amberley Drive.
- Bramber Close at junction with Amberley Drive.
- B2166 / Aldwick Road roundabout, Hawthorn Road arm (x2).
- Richmond Avenue West at junction with Aldwick Road.
- Charlwood Street at junction with Aldwick Road.
- Argyle Circus near junction with Ockley Road.
- Central Drive at junction with Chalcraft Lane.
- Bedford Avenue at junction with Chichester Road.
- Lower Bognor Road roundabout on Chalcraft Lane arm.
- Chalcraft Lane parallel to Balliol Close.

Reason: To provide safe and suitable access for pedestrians to the development in

accordance with policy T DM1 of the Arun Local Plan.

- 22 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 work on Sundays or Bank/Public Holidays.

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

- 23 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan.

- 24 Prior to the commencement of each of the respective phase/s of the development approved under Condition 4, a scheme relating to that phase/s to demonstrate that the internal noise levels within the residential units, senior living homes, and hotel bedrooms will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014, or similar, shall be prepared by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise-affected rooms. The works specified in the approved scheme for residential units, senior living homes, and hotel bedrooms shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before development commences.

- 25 Prior to the commencement of any phase of the development approved under Condition 4 containing residential units, a scheme to demonstrate that the external noise levels within the curtilage of residential units within that phase will conform to the 'Design criteria for external noise' guideline value of 50 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme for a premises shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 26 a) Prior to the commencement of a phase of the development approved under Condition 4 containing Use Classes B2 and/or B8 employment floor space, an impact assessment of the noise from each of the proposed Use Class B2 and/or B8 developments on nearby residential properties shall be completed and submitted in writing to the Local Planning Authority.

b) Each impact assessment shall include noise from deliveries and operation of the development and shall include a noise mitigation scheme. The assessment shall have regard to the principles of BS 4142:2014 and achieve a difference between the measured rating level and the measured background level of at least 5dB(A). A test to demonstrate compliance with the noise mitigation scheme shall then be undertaken by a competent acoustician/consultant before the use commences, and the results of the compliance testing shall be submitted to the

Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE OM 1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before construction work commences.

- 27 The development hereby approved shall be carried out in accordance with the 'Air Quality Assessment: Land West of Bersted, Bogner Regis' (dated July 2022 prepared by Air Quality Consultants) to include the built in emission mitigation measures detailed in section MS.15. Construction Dust Mitigation.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1, QE DM3 of the Arun Local Plan.

- 28 Prior to the commencement of each phase of the development, excluding site preparation works, 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 that phase shall each be submitted to and approved in writing by the Local Planning Authority:

a) A Site Investigation Scheme for that phase, based on the Pell Frischmann Phase 1 Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Any approved remediation strategy shall be complied with and, following completion of the measures contained in such strategy, the required verification plan shall be submitted to the Local Planning Authority.

Any changes to these components, require the express written consent of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 29 Following the completion of groundworks and prior to occupation of a phase or relevant part, a Verification Report for that phase or relevant part 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 if applicable 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.

- 30 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 within the relevant part of site (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 any phase of the development, a statement to this effect relating to that phase 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 Arun Local Plan.

- 31 No development on any phase shall commence until the applicant has secured the implementation of a programme of archaeological work for that phase as approved under Condition 4 in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 32 a) Prior to the commencement of any phase of the development, details showing the proposed location of the required fire hydrants within that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

b) Prior to the first occupation of any dwelling/unit forming part of the proposed development the approved fire hydrants relating to that dwelling or unit shall be installed in the approved location to BS 750 standards or stored water supply and their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting shall be arranged.

The fire hydrants shall be sited so that all residential units and school uses on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting and all commercial properties are within 90 metres of a fire hydrant.

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 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 33 Prior to or in conjunction with the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposal of surface water by means of a sustainable drainage system shall be submitted to and approved in writing by the Local

Planning Authority. The submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system which utilises source control features prior to site control features and the measures taken to prevent pollution of the receiving surface waters.
- ii. Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- iii. Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes, and does not impact any of the proposed built development
- iv. Include an Exceedance Plan for any storm event that exceeds the design standards of the surface water drainage SuDS system to ensure no built development is impacted.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF; Arun Local Plan Policies W SP1, W DM1, W DM2 and W DM3. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 34 Prior to the commencement of development of any agreed phase as approved under Condition 4, for the development approved, excluding enabling works (as defined), construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and appropriate drainage calculations prior to the first occupation / use of the relevant phase or in accordance with any such phasing provision as may be agreed. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and ensure that flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 35 Prior to the commencement of development of any agreed phase as approved under Condition 4, details and a method statement of measures indicating how additional surface water run-off from the phase will be avoided during the construction works for that phase have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. This should include the maintenance proposals during construction. The site works and construction phases shall thereafter be carried out in accordance with the approved method statement and the approved measures shall be brought into operation before any works to create buildings or hard surfaces commence for the relevant phase.

Reason: To ensure that the development achieves a high standard of sustainability and ensure that flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 36 Prior to first occupation / use of each phase of the development a detailed surface water drainage verification report for that phase, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in

writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

- 37 Prior to the first occupation or completion, whichever is the sooner, of any building within a phase details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full following completion of the relevant drainage system for the phase.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF.

- 38 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment Revision: S2- P04 (dated March 2023). All new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

- 39 No development shall commence on a phase until details of the proposed means of the foul water disposal system for that phase have been submitted to and approved in writing by the Local Planning Authority. Such measures shall ensure that all sewage from the site is directed to the Ford Wastewater Treatment Works, unless otherwise agreed by Southern Water. No building or dwelling hereby approved shall be used or occupied until works for the disposal of sewage from that building or dwelling have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 40 No discharge of foul sewage from any phase of the site shall be discharged into the public system, where capacity does not exist for that phase, until offsite drainage works to provide sufficient capacity within the foul network to cope with additional sewage flows from that phase are complete. Works to include the provision of a temporary pumping station to serve phase 1. The details of which including location and maintenance, shall be submitted to and approved by the local planning authority and implemented in accordance with the approved details. The approved temporary pumping station shall be retained until such time that the public network has been provided.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 41 No development shall commence until an Employment and Skills Plan to identify opportunities to improve local employment and training in the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall thereafter be implemented for the duration of the construction period.

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

- 42 Before the commencement of development of each phase in accordance with the phasing scheme agreed under Condition 4, a Construction Environmental Management Plan (CEMP: Biodiversity) and a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- Aims and objectives of management including options for achieving aims and objectives.
- Risk assessment of potentially damaging construction activities.
- Prescriptions for management actions.
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures including 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).
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Identification of "biodiversity protection zones".
- Use of protective fences, exclusion barriers and warning signs.
- Details of the extent of retained and new hedgerows.
- the creation of seasonal water bodies.
- the installation of bat boxes, bird boxes; barn owl boxes and dormouse boxes.
- the planting of species rich grassland and scrub areas.
- the retention of hedgerows and trees.
- any trees removed should be replaced at a ratio of 2:1.
- log piles provided onsite and wildflower grassland created.
- The location and timing of sensitive works including the clearance of trees or scrub to avoid harm to biodiversity features and impact on breeding birds.

The approved CEMP and LEMP shall be adhered to and implemented throughout the development of the site strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: To 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 Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 43 Prior to the commencement of development in any phase a Biodiversity Net Gain Design Stage Report for the development, in line with Table 2 of C/EEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the Local Planning Authority which provides a biodiversity net gain, using the DEFRA Biodiversity Metric 4 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain Principles have been applied;
- Provision of the full Biodiversity Net Gain calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation; and
- Details of the monitoring and auditing measures.

The proposed enhancement measures within each phase shall be implemented prior to the completion of the respective phase, in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF December 2023. It is necessary for this to be a pre-commencement condition to ensure that the biodiversity measures are delivered during construction.

- 44 Prior to development above slab level within each phase, a Biodiversity Enhancement Strategy for that phase 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);
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the enhancement measures; and
- Details of initial aftercare and long-term maintenance (where relevant)

The works shall be implemented prior to the first occupation/use of the respective phase or completion of the respective phase, whichever is the sooner, 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 December 2023 and s40 of the Natural Environment Rural Communities Act 2006 (Priority habitats & species).

- 45 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Environmental Statement-Appendix 11 - Ecological Report (FPCR, June 2021), Environmental Statement - Appendix 12 - Breeding Bird Report (FPCR, June 2021), Environmental Statement - Appendix 13 - Wintering Bird Report (FPCR, June 2021) and

Environmental Statement Addendum July 2023 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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 Rural Communities Act 2006 (Priority habitats & species).

- 46 If an application for reserved matters for a phase of the development of the site is submitted 12 months or more after the date of this decision notice, then prior to the submission of any reserved matters application(s), the ditches within that phase should be re-surveyed for the presence of water voles; and the area of land relating to that phase should be resurveyed for badgers. The surveys and mitigation measures should be submitted for approval in writing by the Local Planning Authority. The mitigation measures shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat in line with Policy ENV DM3, Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 47 Prior to or concurrent with the submission of the first of the reserved matters applications, a Farmland Bird Mitigation Strategy shall be submitted to the Local Planning Authority for its approval in writing.

The Farmland Bird Mitigation Strategy shall include the following:

- Purpose and conservation objectives for the proposed measures.
- Detailed Methodology for measures to be delivered.
- Location of the proposed measures by appropriate maps and/or plans.
- Mechanism for Implementation & Monitoring of delivery.

The Farmland Bird Mitigation Strategy shall be implemented prior to the first nesting season following the commencement of any phase of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be retained for a minimum period of 10 years.

Reason: To allow the Local Planning Authority to discharge its duties under the Natural Environment Rural Communities Act 2006 (Priority habitats & species).

- 48 Prior to the commencement of development above slab level within any phase an external lighting strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme for the relevant phase (or agreed sub-phase) shall be installed and operational prior to the first occupation or use of that phase of the development. The lighting so installed shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

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 Rural Communities Act 2006 (Priority habitats & species).

- 49 Any reserved matters application submitted under Condition 1 relating to buildings shall

include the finished ground floor levels of those buildings in relation to the existing and proposed site levels both within that each phase and adjoining phases, the adjacent highway and adjacent properties, together with details of levels of all accesses to include pathways, driveway, steps and ramps. The approved finished ground floor level and site levels shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure the delivery of a satisfactory development and in the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 50 Prior to the commencement of each phase, full details of the play areas within that phase (including grass seeding/turfing, planting, fencing, safety surfacing, play equipment, seats, litter bins and lighting) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of any residential unit or completion within that phase, whichever is the sooner and shall be retained thereafter.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 51 Prior to the commencement of development within each phase, a strategy for the provision or facilitation of broadband provision to future occupants of that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of the frontage thresholds to any dwelling that abuts 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 shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high-quality living environment in accordance with policy TEL DM1 of the Arun Local Plan.

- 52 At least 10% of the predicted energy demand of the development, after fabric first measures have been taken into account, shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework).

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

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. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 53 (a) No development of the grass pitches shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land

proposed for the playing field which identifies constraints which could adversely affect grass pitches quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy HWB SP1 and OSR DM1.

54 Before the pitches are brought into use, a Maintenance Scheme for the facilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. For the 3G Artificial Grass Pitch this will include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the facilities.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy HWB SP1 and OSR DM1.

55 The 3G Artificial Grass Pitch and its associated sports lighting shall not be used outside the hours of:

- 8 am and 10 pm Monday to Friday;
- 8 am and 10 pm on Saturday; and
- 8 am and 8 pm on Sunday .

Reason: To balance illuminating the 3G AGP for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with Development Plan Policy HWB SP1 and OSR DM1.

56 No occupation of any phase shall take place until details of any pedestrian/cycle links/bridleways to be provided up to any shared boundaries within each phase have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall thereafter be implemented in accordance with the approved detail prior to the completion of the relevant phase.

Reason: To ensure that future links can be provided to neighbouring sites and in order to achieve and cohesive and mix community. In accordance with Section 7 of the NPPF and Policies T DM1 and T SP1 of the Arun Local Plan.

57 Any reserved matters application must be accompanied by a scheme setting out the allocation of M4(2) and M4(3) dwellings for that phase. The submitted scheme shall ensure that fifty per cent (50%) of all dwellings within each phase are designed and constructed to M4(2) standard. Whilst a total of forty four (44) dwellings across the development shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved Document M'.

The development of each phase shall be carried out in accordance with the approved scheme.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan, Arun SPD Accommodation for Older People and People with Disabilities and Paragraph 63 of the National Planning Policy Framework.

- 58 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1.

- 59 INFORMATIVE: This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority.

Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ.

- 60 INFORMATIVE: As at 27107/23 the normal pre-planning permission RSA and WCHAR processes are not complete. However, we are content that sufficient evidence has been produced to demonstrate that a national policy and standards compliant mitigation scheme can be designed and implemented at the A27 I 82145 Whyke Roundabout; and on this basis (subject to the conditions set out in this NHPR form) have no objection to the application being determined by the Council. In the event that the processes are completed at the time of issuing any planning permission, and subject to agreement with National Highways, the condition drawing number may be amended to reflect the final agreed A27 I 82145 Whyke Roundabout mitigation scheme.

- 61 INFORMATIVE: A27/B2149 (Whyke Roundabout): This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

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- 62 INFORMATIVE: The Travel Plan may either be a single entity covering the whole site or made up of bespoke Plans for each plot or subsequent occupier on the site. Where multiple Plans are used, provision must be made for the Plans to be fully coordinated.

63 INFORMATIVE: The CMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

64 INFORMATIVE: 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 (BS5588 Part B 5), for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

65 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.

66 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, CIR/A R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIR/A 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'

67 INFORMATIVE: The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

If the 3G AGP is required for rugby match play it should be built in accordance with RFU guidance note 7: Artificial Rugby Turf and tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

68 INFORMATIVE: Condition 2(B): The Applicant is advised that although the Parameters Plans have been considered as part of the ES Assessment, layout, scale and appearance are reserved matters that are to be submitted for assessment. Parameter Plan 2. Building Heights - 18723-SBR-ZZ-XX-DR-A-80102 Rev P3 sets out broad approach and therefore part B of Condition 2 refers to the development being substantially in accordance with such parameters plans. Where proposed and having regard to the building typology of this part of Bersted, the 'transitional' nature of the site, its relatively flat terrain and distant views of the spire of Chichester Cathedral, building heights of 3.5 and 4 storeys will require robust place-making, and design justification to be considered acceptable.

69 INFORMATIVE: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)

Guidance:

(i) For outdoor sporting provision sports lighting can considerably extend the hours of use especially outside the summer months and is often critical to the viability of many facilities which rely on income from mid-week evening lettings to cover operating costs. Sports lighting is therefore essential if these sports facilities are to be used to their full capacity and justify the level of capital required to provide them. Without sports lighting, opportunities for sport would be significantly restricted.

(ii) There are examples where conditions attached to a planning permission restricting the hours of use affect the viability of the operation. Conditions which seek to minimise the impact of the facility on the amenity of neighbouring properties should not be unduly restrictive.

70 INFORMATIVE: Guidance on preparing Community Use Agreements is available from Sport England.

71 INFORMATIVE: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals

72 INFORMATIVE: The applicant is advised that water butts are to be provided where possible to make a positive contribution to reduce surface water and meet sustainability objectives.

The proposed Conditions should be read alongside the s106 Heads of Terms, which include a range of contributions, including works to Chalcraft Lane to be implemented once the new link road is complete and open, the final scheme to be subject to consultation, a redirected bus service, health care centre and triggers for payments and implementation of the various mitigation measures.

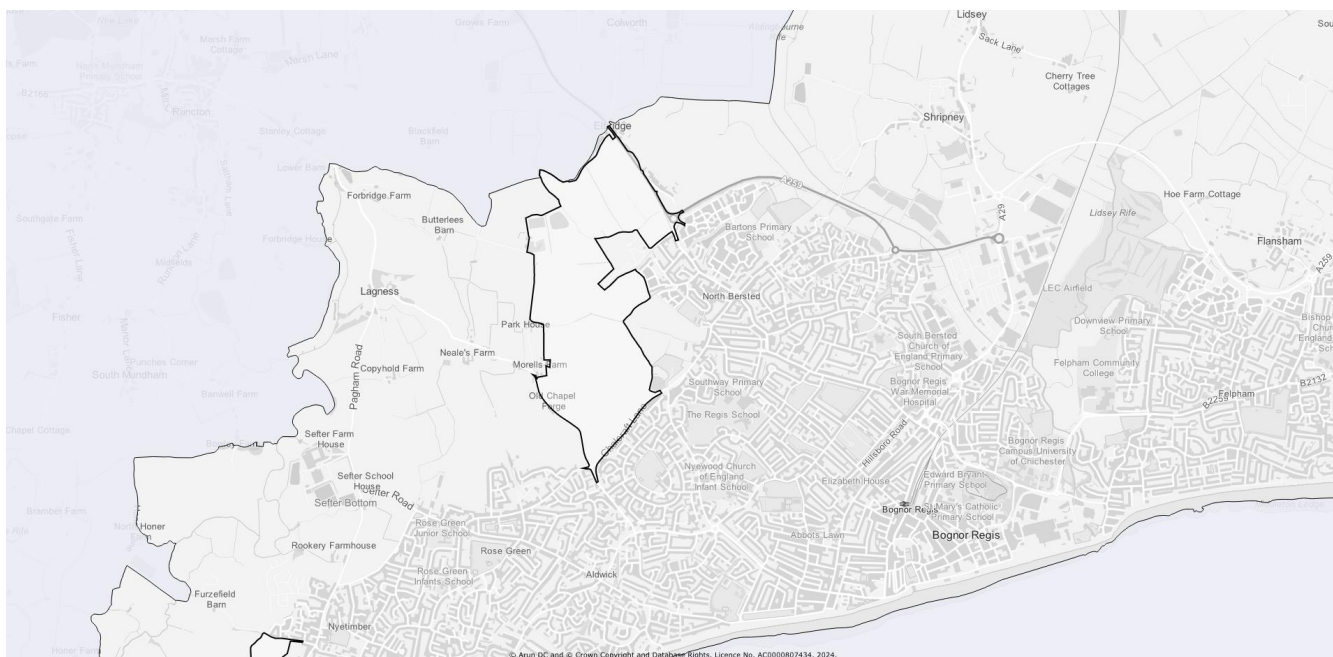
73 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by

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 by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

BE/134/22/OUT - 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: M/49/24/PL

LOCATION: Land south of Ancton Lane
Middleton-on-Sea

PROPOSAL: Demolition of agricultural buildings and development of the site to provide 67 No. dwellings with supporting infrastructure, storage units, public open space, landscaping, sustainable urban drainage, car and cycle parking and associated works. This application is in CIL Zone 5 and is CIL Liable as new dwellings, is a Departure from the Development plan and may affect the setting of a Listed Building. This application is a resubmission of M/63/23/PL.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

67 detached and semi-detached dwellings. There will be six bungalows with the remainder being two storeys. The mix consists of 20 x 2 bed, 33 x 3 bed, and 14 x 4 bed whilst 21 will be affordable comprising 15 x 2 bed, 5 x 3 bed, and 1 x 4 bed. The applicant proposes to provide 6 homes as M4(3) wheelchair accessible dwellings (the bungalows) with the remaining 61 meeting the M4(2) accessible/adaptable standard.

Parking provision is in the form of garages, car ports and allocated spaces. Cycles will be stored in small sheds in rear gardens. As there are no plans of these sheds, a condition will be required. The primary vehicular access will be from Ancton Lane in the north-western corner. The existing farm access is slightly to the west of this and will be closed. A second emergency access will be provided on the east side of the site, and this will for use by the emergency services. Otherwise, it will be closed to traffic by a gate or retractable bollards.

The main access will measure 7.5m wide with a 6.0m radii on either side and visibility of 2.4m x 33.1m and 2.4m x 43.5m. The main access features a 2m wide footpath on the eastern side. The emergency access will be 3m wide.

There will be six footpath links from the site with four to Ancton Lane and two onto the Public Right of Way (PRoW) adjacent to the southern boundary. Two of the six allow for cycle access (these being at the main and emergency access points). It was proposed to provide a cycle path to Lucking Lane but the addition last year of a new crossover and driveway to a dwelling in Lucking Lane dwellings decreased the space available, limiting this to a pedestrian path only.

The application includes a plan which indicates proposals to widen parts of Ancton Lane along the site frontage just west of the access and then in three further places to the west of the site boundary. In three of the four places, the road will be widened into the verge on the northern side whilst in the other, an existing passing place on the northern side will be used.

Elm Barns will be retained and converted to allow for future communal storage use by residents. This will be managed by the estate management company along with other communal areas. The layout shows areas of new planting, retained vegetation, play areas, public open space, a substation, and drainage features. Bins will be collected from the kerbside in the development.

Boundary treatments are indicated by the landscape masterplan to be a mix of 2m high brick walls, 1.8m high timber fences and 1.5m high timber post and rail fencing. Materials would need to be secured by condition but are indicated to be a mix of red brick, buff brick, render, light & dark timber cladding, hardcore window surrounds and slate roofs. The landscape masterplan indicates new trees and other vegetation including street trees.

SITE AREA	4.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	16.6 dwellings per hectare.
TOPOGRAPHY	The site appears predominantly flat but there are noticeable dips in the eastern part of the site and existing ditches notably running north-south in the western half and along the northern boundary. The topographical survey reveals that the levels drop considerably from the southern boundary (around 4.5/4.9m AOD) down to Ancton Lane (around 2.5m AOD at the western end & 3.4m AOD at the eastern end).
TREES	There is a Tree Preservation Order (TPO) on site which protects Oak trees in the north-west corner, an Ash in the south-west corner and a further Oak on the southern boundary (north of 4/6 Ancton Close). The Council has recently served a provisional TPO on 74 offsite Hybrid Black Poplar trees along Ancton Lane to the west. There are further trees and hedging along all boundaries. Some trees and other planting are within the site area particularly along the northern half, in the south-eastern corner and along the ditch in the western part of the site.
BOUNDARY TREATMENT	Aside from more formal boundaries to existing adjoining dwellings, the site is informally enclosed by a mix of hedging and barbed wire fencing. More formal boundaries include 1-2m high walls, 2m larch lap fencing and 1.8m chain link fencing.
SITE CHARACTERISTICS	The site is undeveloped greenfield land comprising a collection of grassed fields previously used for grazing. The

site includes agricultural buildings associated with Elms Farm along the northern boundary. There is a drainage ditch along part of the northern boundary (west of Elms Farm) and running north-south in the western part of the site. Public footpaths run alongside the western and southern boundaries although there is a deep ditch between the path and the boundary on the western edge.

CHARACTER OF LOCALITY

Edge of settlement. There is residential development on three sides but land to the north is rural comprising agricultural land and a few dwellings and farm buildings. Surrounding dwellings are predominantly two storey and some have windows that look onto the site. For the most part adjoining dwellings are well screened by existing planting.

RELEVANT SITE HISTORY

M/63/23/PL	Demolition of agricultural buildings and development of the site to provide 67 dwellings with supporting infrastructure, storage units, public open space, landscaping, sustainable urban drainage, car and cycle parking and associated works. This application is in CIL Zone 5 and is CIL Liable as new dwellings, is a Departure from the Development plan and may affect the setting of a Listed Building.	Withdrawn 24-11-23
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REPRESENTATIONS

Middleton Parish Council object for the following reasons:

- Outside the Built-Up Area Boundary (BUAB).
- Middleton have not been given a housing allocation.
- Harm to character and Ancton Lane Streetscene.
- Additional visual harm due to raised site levels.
- Overdevelopment of the site.
- Inadequate car parking.
- Harm to privacy of adjoining properties.
- Harm to heritage assets.
- Overbearing and unneighbourly.
- Will set a precedent for more development.
- Light pollution.
- Inadequate local infrastructure.
- Children will need to be bused to schools outside the district.
- Unsustainable site with limited bus services and bus stops too far for older people to walk.
- Ancton Lane is not lit therefore not suitable to walk on at night.
- Loss of on-site Biodiversity.
- Harm to the safety of existing Ancton Lane users.
- Harm to rare bats.
- Loss of valuable agricultural land.

- Site is in Flood Zone 3 and/or at risk of climate change related flooding.
- No capacity in the existing foul sewer network.
- Harm to local water quality.
- Insufficient details of proposed road widening; and.
- No details of future site management.

In addition, as of 05 March 2025, 525 letters of objection raising the following concerns:

Highways

- The development will cause severe and chaotic disruption.
- Ancton Lane is not suitable for heavy good vehicles.
- Ancton Lane is single lane in places, dangerous to motorists and pedestrians.
- School children and horses walk along Ancton Lane.
- Ancton Lane is dangerous to cyclists.
- Infrequent bus services in the area.
- No bus access to nearby railway stations.
- Farmland access will be affected.
- Increase in traffic particularly as no jobs in the area.
- Increased danger at the Comet Corner junction.
- Insufficient parking provision.
- Not appropriate to reduce parking provision by 10% just because a Travel Plan has been provided.
- Parking standards should be based on number of people accommodated or number of bedrooms.
- Tandem parking leads to roadside parking.
- Errors within the Transport Assessment.
- Has permission been approved for the works to Comet Corner as included in the application?
- Inappropriate to rely on future A259 improvements as there is no definitive time scale for commencement/completion of these works.
- Local roads cannot be widened to facilitate increased traffic.
- Emergency access is on a blind bend.
- What events trigger use of the emergency access and who will have the key to the retractable bollards/gate?
- No more development until A259 improvements have been completed.
- No consideration of improving access for the landlocked June Cottage.
- The two identified pedestrian footpath connections are not disabled/push chair/cycle suitable.
- The Lucking Lane pedestrian/cycle access is not wide enough for cycle and pedestrian use and will therefore result in safety issues.
- The Lucking Lane pedestrian/cycle access will cross the footpath resulting in accidents (need barriers to slow people down at the junction).
- Inappropriate to have a pedestrian/cycle access onto Lucking Lane adjoining a private driveway as this will result in trespass and disturbance.
- No notification of the owners of the land at Lucking Lane where the footpath link terminates.
- Issues with the Lucking Lane pedestrian connection crossing a driveway - the developers produced incorrect drawings.
- Transport modelling increase is incorrectly defined/underestimated.
- The TA does not account for the unbuilt care home traffic and other developments.
- Lucking Lane is not suitable for road access.
- Why was Lucking Lane not considered for road access.
- Impact of construction vehicles.
- No consultation on proposed road widening.
- Inappropriate to leave the details of the road widening to a s278 agreement.
- Inadequate footway on Yapton Road.

- Misleading Travel Plan.
- The access to the storage barns is insufficient in terms of moving heavy items.
- Insufficient information on vehicles entering/exiting the road access to/from the same direction.

Principle

- Greenfield sites should not be built on when brownfield is available.
- Guernsey Farm should be built on first.
- Loss of grade 1 and 2 agricultural land.
- Conflict with the emerging Middleton Neighbourhood Plan.
- Contrary with the Arun Local Plan.
- Inappropriate green belt development.
- The land should be used for community purposes such as allotments.
- No more houses needed until those with permission are built.
- HELAA stated this was unsuitable.
- Will lead to the gap between Middleton and the A259 being filled in.
- The site should be used for allotments.
- Not a sustainable form of development.
- The harm and policy conflicts outweigh the benefits.

Housing Mix

- No account taken of Parish housing needs.
- Need more bungalows.
- Need starter homes.

Infrastructure

- Local schools, healthcare facilities, dentists, pharmacies, libraries, fire, police, and utility services are already overloaded.
- Inadequate local shops
- No new infrastructure is planned.
- New housing should only take place alongside infrastructure improvements.
- School children already have to travel to Selsey.
- Houses will not be very affordable.
- It should not be appropriate to state no objection on infrastructure grounds just because the developer pays a contribution to infrastructure or pays to transport children to a secondary school.
- If there is no interested affordable housing provider, then the developer should not be able to just sell affordable homes on the open market.
- Not appropriate to put play areas where they will be affected by flooding.

Trees and Biodiversity

- BNG results are wrong due to existing land assessed as poor semi-improved grassland rather than semi-natural grassland.
- BNG Net gain cannot be achieved on the site.
- Widening the lane will destroy ancient hedgerows and the rural character.
- Inadequate information on the impact of widening the road on trees.
- Not acceptable to leave the detail of road widening to a post permission s278 agreement.
- Harm to protected and other species.
- Illegal to move bat roosts or bat boxes.
- New lighting will affect bats and insects.

- Reptile surveys out of date.
- Bat surveys carried out at the wrong time of year.
- The ecology reports are based on a one day walk over survey which is inadequate.
- Artificial bat roosts and bird boxes will not compensate for the loss.
- Impact on nesting Owls.
- Insufficient natural buffer areas.
- Trees outside the site boundaries should not be touched.
- How will the western trees/hedge be maintained from the footpath on the other side of a deep ditch?
- ADC's ecologists objected to the previous application, and it is not appropriate to now find the proposals acceptable.
- ADC's current ecologist should be asked to re-confirm his advice.
- Insufficient number of bird boxes proposed.
- Clearance of the PRoW 164 along the southern boundary will destroy local biodiversity.

Flooding/Drainage

- Increased rain flooding of local residents due to land raising and existing inadequate drainage.
- The existing sewage system is already susceptible to water ingress causing flooding.
- The existing sewage system is not fit for purpose and frequently backs up.
- Lucking Lane residents often cannot use their toilets.
- Development in flood zone 3.
- Increase in sewage discharge into the sea.
- The Sequential Test is overly restrictive in its search area (limited to the Greater Bognor Regis urban area) and the sources of information used to identify search areas. Sites have been discounted without reasonable justification. The test also finds one other site is reasonably available.
- On P/35/24/OUT, a sequential search area was requested of the entire district but then, as a compromise, noting the smaller search area agreed by the P/178/22/OUT appeal, there was a request for all sites adjacent to the BUAB of the Greater Bognor Regis urban area which is different to what the developers used.
- The applicant has not responded to the concerns with the sequential assessment.
- The emergency access is within flood zone 3 and will not be safe.
- Need to first implement the recommendations of the WSCC 2012 Flood report.
- New houses will be uninsurable.
- Need to consider effects of climate change.
- Drainage proposals are inadequate.
- On-site ponds will be dangerous to children.
- Need additional Groundwater testing.
- Southern Water should not be trusted.
- Harm to drinking water supplies from extra demand.
- WSCC need to maintain their existing ditches.
- WSCC Highways response does not consider the flooding issues.
- Who will own the ditch between FP161 and the western boundary as previously WSCC said they did not but now they are proposing to trim the vegetation on it.
- Developers frequently breach drainage conditions.
- Existing flood risk areas of the site will be unsafe for children.
- Southern Water took ages to respond and say there are no issues which is untrue.
- Southern Water should be made to provide the background analysis behind their response.
- Southern Water appear to be ignoring the actual situation on the ground.
- Regard should be had to Middleton-on-Sea's Floodwatch reports.

Heritage

- Harm to heritage assets and their settings.
- Ancton Lane should be a Conservation Area.
- WSCC have deliberately neglected Elm Farm Barns.
- Important archaeological site.
- Contrary to the view of the Conservation Officer, the harm to the setting of the designated heritage assets should be assessed as substantial.
- The Conservation Officer has not given a view on where on the spectrum the 'less than substantial harm' falls and it is contended this should be on the high side.
- Due to the harm, the presumption in favour of sustainable development should not apply. This was the view of the Inspector in the decision at A/110/21 Chandlers Garage.

Character & Design

- Low density character of the village should be retained.
- Harmful loss of a tranquil edge of settlement location.
- Loss of an important area of open space used by the community.
- House designs and scale not in keeping with the local area.
- Conflict with Middleton on sea village statement.
- Due to the ground levels, the houses will sit around 2-3m higher than the surrounding dwellings.
- Ancton lane is under consideration by WSCC for 'quiet lane' status.
- Impact on views of the South Downs.
- Overdevelopment with double the density of existing development.
- No measurements given for building heights.
- Buildings have space in the attic for additional accommodation.
- House designs should include solar and biomass.
- Increased litter in the area.

Residential Amenity

- Overlooking, loss of light and privacy to existing homes, particularly due to land level increases.
- Impact on local community cohesion.
- Excessive Noise from air source heat pumps (above background noise levels).
- Ground source heat pumps should be used instead.
- Heat Pump use must be determined now not by condition.
- The developer proposes exhaust heat pumps, these are inefficient compared to ASHP and will be noisy for occupiers. Future residents may add ASHP under permitted development rights.
- Noise disturbance to existing residents.
- Air pollution from vehicle emissions causing illness.
- Loss of views.
- Harm to resident's mental health.
- The Elms Farm Barns storage area is shielded from view and will be a magnet for anti-social behaviour.

Lighting

- New street lighting out of character with Ancton Lane.
- Conflict with ADC dark skies policy.
- Need to light the storage area for safety reasons but this will be harmful.
- The pedestrian connection on Lucking Lane would need lighting to be safe but residents do not want any new lighting.

General

- The previous planning application M63/23/PL is material and must be referred to.
- No material changes since the first application.
- If WSCC own the land, they have a conflict of interest in providing comments on drainage and flooding and should not be involved.
- Questions about financial arrangements between WSCC and Lovells/Kinsted developments.
- No details of estate management or who will manage the communal barns.
- No pre-submission community consultation on the revised application.
- Site characteristics/issues are similar to a refused application, dismissed at appeal, at Bonhams, Flansham and on the grounds of character - the Ancton Lane decision should reflect the Bonhams one.
- Inappropriate to allow changes to the application and not allow further public consultation.
- The developers should have resolved all issues prior to putting in this application.
- Unclear what the purpose of the adoption/management plan is.
- The application provides two different site areas (3.4ha & 4.03ha).
- Who will own the Elms Farm Barns storage areas.
- The applicants refers to 4 appeal decisions that support their case from these are quite different in characteristics and issues. Here are better comparison sites that would support refusal of the application.
- No consideration in the planning process of power requirements for the development and the impact of this on the wider community.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and where they represent material planning considerations, then the issues raised are considered within the report's conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to conditions to ensure that the flood attenuation features are outside the current flood zones 2 and 3, and to ensure all new dwellings have finished floor levels above the flood level with no sleeping accommodation on the ground floor.

NATIONAL HIGHWAYS - no objection with no conditions or contributions requested.

NHS - state they would request CIL monies for the delivery of new/expanded health services.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

SOUTHERN WATER - state no objection and that this is based on a desktop study of the impact that the additional foul sewerage flows will have on the existing network.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district. Also request that this development provides a contribution towards the new school.

WSCC DRAINAGE - no objection subject to conditions regarding surface water, management, and verification.

WSCC HIGHWAYS - requested further information regarding the specification of the pedestrian/cycle

access points. Following several further drawing amendments, receipt of an amended Road Safety Audit and re-consultation, WSCC now advise no objection subject to conditions (clearance of overgrowth on the PRow, access closure, implementation of the emergency access with retractable bollards, dropped kerbs/tactile paving on Ancton Lane, and construction management). WSCC also request that the Section 106 include the following:

- £15,412 towards improvements at Comet Corner.
- A £3,500 travel plan monitoring fee; and
- The proposed 'Off-Site Highway Works' comprising localised widening of Ancton Lane, the main access into the site, and to provide the three pedestrian routes onto Ancton Lane (x2) and Lucking Lane.

Full comments are on the Council's website.

WSCC FIRE & RESCUE - no objection subject to a condition to secure the required fire hydrants.

ADC HOUSING STRATEGY - need 30% provision (21 based on 67 dwellings). No concern with the distribution of the affordable homes. The proposed mix of affordable housing - 0 x 1 bed (0%), 15 x 2 bed (71%), 5 x 3 bed (24%) and 1 x 4 bed (5%) in overall terms is an acceptable mix. It meets the current need for affordable housing providing the majority of properties as two beds and aligns with the overall size of properties to be provided on the site.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to control construction hours and to protect against unexpected land contamination. Requested clarification on noise levels for the proposed Air Source Heat Pumps (ASHPs) and following receipt of further information, requested an additional condition concerning the noise levels of ASHPs.

ADC ECOLOGY - no objection subject to conditions to secure a bat licence prior to demolition, further surveys if more than a year elapses between permission and commencement, Barn Owl boxes, a suitable lighting scheme, more than 67 bat bricks/tubes, more than 67 universal bird nesting boxes, a Biodiversity Enhancement Strategy, and a Construction Environmental Management Plan for Biodiversity. No conditions are requested regarding badgers, dormice, reptiles, or Great Crested Newts.

ADC BIODIVERSITY NET GAIN (BNG) - states no objection to the BNG information. Requests the standard BNG condition, a BNG Habitat Management & Monitoring Plan and inclusion of BNG within the s106 legal agreement.

ADC TREE OFFICER - objection to the layout based on residential gardens abutting important trees resulting in shading and potential to prune or fell. This is particularly an issue along the southern and western boundaries. Request landscaped buffers and that important TPO trees be visible in the layout not solely to houses that abut them. No concerns with vehicular and pedestrian/cycle access points but are concerned given the lack of information on the impact of the Ancton Lane widening on off-site trees.

ADC LANDSCAPE OFFICER - no objection subject to conditions to secure details of landscaping and future management of the areas of open space & play.

ADC CONSERVATION OFFICER - concludes that the proposal will result in less than substantial harm to the settings of the heritage assets. As a consequence, the application should be determined in accordance with the relevant policies within the Development Plan, and the NPPF. Full comments are available on the website and the following is a summary of the main points:

- The group of assets is of heritage significance.
- The site contributes towards the significance of the assets as a result of forming the historic

rural/agricultural context

- The development is very close to the various listed and non-designated heritage assets. For instance, to the rear and side of the manor house. This is not positive, and it is harmful.
- A large area of the site would be lost to buildings, roads etc. Whereas at present it forms the agricultural context for the assets and a buffer from the nearby modern suburban development of Middleton. The areas of open space do not form a buffer but an area of open space and SUDS.
- The proposal will result in the loss of some of the historic barns to the side of the Manor House - including historic fabric.
- The lack of maintenance on the barns is also disappointing.
- The site is much higher than the lane and will increase when raised as part of the development, and the new buildings will clearly be seen in the context of the various heritage assets.
- The designs of the houses and the elements of the barns which will be kept and converted into storage is poor and clearly not based on a sound assessment of the houses in the lane (horizontal boarding and white brick is not an Arun feature and should not be used here, especially on houses. It is not clear why buildings in the Middleton on Sea Estate Area of Character, which is in a different part of the parish, is used as a design steer; and
- The development will negatively impact on the significance of the assets.

ADC DRAINAGE - object due to the following issues:

- Inconsistencies between drawings/calculations.
- Inadequate information to determine if the proposed layout will be implementable without increasing flood risk on site or elsewhere.
- Existing site drainage features (to which the site will drain at a greenfield rate) have not been adequately investigated.
- No details of watercourse easements have been shown.
- Concerns regarding spare capacity in the system upstream of an existing culvert on the site.
- Ground raising has the potential to result in flooding of surrounding residential properties and the southern footpath
- Further consideration needs to be given to the landscaping and potential conflicts with the surface water drainage design.
- Existing flooding on Ancton Lane needs to be considered by the Flood Risk Assessment (FRA); and
- The potential for foul sewer flooding also needs to be considered by the FRA.

COUNCIL's ARCHAEOLOGIST - no objection subject to a condition to ensure archaeological works.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

ENVIRONMENT AGENCY - their concern regarding the attenuation features will be resolved through the subsequent determination of drainage conditions.

WSCC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

CIL contributions can be used to fund new school facilities, and the developer will be liable for such. WSCC raised similar concerns in respect of the Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of

contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making.

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution will be secured through the s106 agreement. However, it is not possible to secure a contribution towards the actual school as this application is liable for CIL.

ADC ENVIRONMENTAL HEALTH - The applicant tried to counter the concerns re ASHPs and objected to the proposed condition. The EHO maintained their position and the applicant proposed the use of exhaust heat pumps. These use energy from exhausted humid air to heat the home and/or provide hot water and will be within the home. The EHO has confirmed no objection to the use of these.

ADC TREE OFFICER - Further comments are expected and will be reported by way of an update.

ADC DRAINAGE ENGINEERS - Following a re-consultation on amended plans, have advised they maintain an objection on similar grounds to those stated originally with the primary concern being proposed discharge rates and discharge locations. Landscaping, tree conflicts and easements have also not been satisfactorily addressed by the submission.

POLICY CONTEXT

Designations applicable to the site:

- Countryside.
- Predominantly Flood Zone 1 (FZ) but some areas of FZ2 & FZ3 including FZ3b.
- Future FZ3 by 2061 (small areas) and by 2111 (approximately half of the site).
- Potential for high groundwater levels.
- Surface Water Flood Risk (1:1000 risk).
- TPO refs M/1/23 and M/1/25
- Grade 2 Agricultural Land Value.
- HELAA Site ref 114.
- Adjacent to 2 no. Grade II Listed Buildings.
- Adjacent to 2 no. Locally Listed Buildings.
- Lidsey Treatment Catchment Area.
- Archaeology Notification Area.
- Public Right of Way (PRoW) ref MOS/164/1 on the southern boundary.
- PRoW ref MOS/161/1 on the western boundary; and
- CIL Zone 5.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD9	Buildings or Structures of Character
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.

Where applicable, Neighbourhood Development Plan's, once made by Arun, will form part of the statutory development plan for the relevant designated neighbourhood area. There is no Middleton Neighbourhood Plan and their proposed plan is not at a stage where its consideration is required.

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 conflicts with the development plan in that it would result in development outside of the defined settlement boundary, and will result in the loss of best & most versatile agricultural land. In addition, there is conflict with policy regarding flooding, drainage and existing trees.

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 next section.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the applicant proposes the following on-site provision:

- 12.51% Hedgerow units (0.96).
- 19.77% Watercourse units (0.13).

Due to the loss of 6.57 habitat units (29.92%) and the inability to provide habitat units on the site, 8.77 units will need to be provided off-site and it is proposed to purchase these from the Environment Bank.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan solely comprises the Arun Local Plan 2011-2031 (ALP).

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Paragraph 14 serves to provide additional weight to Neighbourhood Plans in cases where para 11(d) is engaged) but as there is no current Neighbourhood Plan for Middleton, para 14 is not relevant to this decision.

ALP 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. Policy SD SP2 states development should be focused in the BUAB. The application conflicts with ALP policies C SP1 and SD SP2.

In January 2025, the council published its Authority Monitoring Report (AMR) for 2023/24, and this shows that the Housing Land Supply (HLS) is 3.41 years. On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight.

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site (ref 114) was assessed as being "Not Currently Developable" due to flood risk and therefore the Action Plan does not lend any weight to the proposal.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but was meant as a guide for developers proposing development on sites outside the BUAB and to inform decision-making. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB to the immediate west and south. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application scores highly against the criteria with the exceptions being the countryside location and current/future flood risk.

It is also material that the Government has recently amended the NPPF with a particular focus on raising housing targets and turbo charge growth in order to build 1.5 million homes within the UK over the next five years. The changes to housing delivery and supply have resulted in an annual increase of 67 dwellings to Arun's Housing requirements which coincidentally is the quantum of this proposal.

The proposal, despite being within the countryside, is sustainably located as it adjoins with the defined BUAB, and it will be possible for residents to use non-car means of transport to access pubs, shops, and other facilities. There will be safe walking and cycling routes to the facilities of Middleton-on-Sea.

The principle of development conflicts with the ALP in respect of development in the countryside. These conflicts do not automatically result in a refusal as it is necessary to determine the application in accordance with the NPPF presumption in favour of sustainable development under paragraph 11(d). This report will discuss the other issues and will discuss para 11(d) at the end.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification Assessment (ALCA) and a separate Soil Resources and Management Plan. The former concludes that the site is predominantly Grade 2 (very good quality) with some small areas of non-agricultural land. The ALCA states the site is pastureland and this has been confirmed by the council's own site visit.

Historic photography demonstrates a longstanding pastoral land use (dating back to at least 1991 - when photos were first taken). The ALCA states the loss of 4 hectares of agricultural land will not affect the farming business's long-term viability and is not of more than local significance in terms of its potential loss.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the proposal outweighs the need to protect such land in the long term.

The HLS shortfall is significant, and agricultural land will need to be built on to meet the shortfall. Sites

that are close to settlement boundaries such as this would be preferred to meet this need. The site has been used for grazing not for the growing of crops. There are some constraints to an arable use namely the undulating nature of the topography and the existing ditch system in the western part.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not specifically responded to these criteria but has provided a Soil Resource Plan (criteria g) and their Planning Statement sets out:

- The loss of circa. 4 hectares of agricultural land will not have a material impact on farming.
- Arun has a very high percentage of Best and Most Versatile (BMV) land, particularly of Grades 1 and 2, representing around 40% of agricultural land in the District and grade 3a a further nearly 30%.
- The presumption in favour of sustainable development therefore means that the tests set within Policy SO DM1, for development on classified agricultural land, are awarded limited weight and the far-reaching benefits of the proposed development outweigh the need to protect the land; and
- The report confirms that soils on the site have the potential to be re-used in domestic gardens and areas of soft landscaping, such as swales and play areas.

It is material that the additional requirements of policy SO DM1 are more onerous than para 187(b) of the NPPF which just requires the economic and other benefits of BMV agricultural land to be recognised. Appeal decisions concerning residential development in Arun have typically given low weight to the loss of BMV agricultural land. The exception being the recent Yapton case (Y/68/23/PL) where the conflict related to a Neighbourhood Plan policy benefitting from para 14 protection (which is not the case here).

On an appeal concerning a site on Pagham Road in 2022 (P/178/21/OUT), the Inspector noted that most countryside surrounding main coastal towns in Arun is characterised as BMV land, but it is difficult to avoid development on the edge of such settlements resulting in the loss of high value agricultural land. Further, the NPPF does not provide adequate policy justification for this to be a stand-alone point of objection and the removal of the footnote from the December 2024 version further emphasises this. The publication of the proposed National Land Use Framework does not change this conclusion.

There is conflict with the agricultural land policy in respect of criteria (a) to (b) and (d) to (f). This, by itself, would not result in a stand-alone single reason for refusal. However, in combination with other issues, it is an issue that weighs against the presumption in favour if it were applied.

TRAFFIC, ROAD SAFETY & 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. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 115 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 116 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

The application proposes to take vehicular access from Ancton Lane. There is an existing farm access

just west of the proposed access that will be permanently closed. A second emergency access will be provided on the eastern side of the site, and this will for use by emergency services. Otherwise, it will be closed to traffic by way of either a gate or retractable bollards.

The comments of WSCC Highways are set out in full on the council's website and summarised elsewhere in this report. They initially responded with a request for further information regarding the foot and cycle path connections but following several changes and a review of such information, they have advised no objection subject to conditions. The application has also been subject to independent Road Safety Audits (RSAs) concerning the vehicular and pedestrian/cycle access points. The RSA's both identified some issues, and these have been designed out by the scheme designer.

WSCC state that the number of westbound trips to the A259 in the A.M. period is not at a level that requires junction modelling but instead a contribution to the Comet Corner improvements scheme will be required. WSCC also confirm that the development will be required to deliver localised highway widening on Ancton Lane and minor footway improvements to the Yapton Road roundabout (tactile paving at all dropped kerbs and new dropped kerb and tactiles where the footway onto Ancton Lane terminates to allow for mobility impaired road users to gain access to the footway with ease).

WSCC conclude no objection and consider there would not be an unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network. As this site is liable for CIL, it would normally not be possible to use s106 to secure financial contributions towards infrastructure. The Comet Corner contribution has been discounted to account for CIL contributions and reflects the approach taken in respect of Y/3/22/OUT and Y/52/23/PL (both Bilsham Road).

The Parking Standards SPD sets out a need for 148 allocated spaces to include 8 suitable for disabled parking and a further 14 spaces for visitors (total of 162). The proposal does not meet this requirement, providing 152.5 (albeit this does include the requisite amount of visitor and disabled spaces). The .5 is due to the need to count garages as providing half a space. There is a shortfall of 9.5 spaces (10). However, para 3.2 of the SPD states:

"To satisfy the promotion of sustainable travel modes and choices, it is considered that a 10% variation below the target parking demand value be allowed where appropriate travel option provision is provided including travel plans, public transport contributions (e.g. through section 106 contributions involving Strategic Allocations and Community Infrastructure Levy once adopted, for other non-strategic sized developments for offsite infrastructure of a strategic nature) and other sustainable travel initiatives. This is also as a result of increasing affordability issues resulting in young people staying with parents for longer."

The parking shortfall represents a circa 6% reduction. This is acceptable given the scheme includes a Travel Plan and that public transport improvements can be secured through CIL. The scheme includes cycle storage comprising 2 per dwelling in private sheds. The Parking SPD requires a single cycle space for 1/2-bed houses and 2 spaces for 3+bed houses. Pedestrian/cycle connections will be positive and allow residents to reach local shops/services without needing to use a car.

National Highways raise no objection and do not request a financial contribution towards any A27 junction improvements. It is acknowledged that there is significant local opposition to this scheme on highway grounds however, given the views of WSCC Highways, it has to be determined that there is no conflict with the relevant planning policies or the guidance on highway safety within the NPPF.

FLOOD RISK:

ALP policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment

(FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. Policy ECC SP1 requires that development be designed to take account of future flood risk.

The site is predominantly Flood Zone 1 (FZ1) but parts along the site frontage including Elm Barns are affected by FZ2 (medium risk) and FZ3a (high risk). In addition, the ditch that runs North/South in the western half of the site is designated as FZ3b (defined as functional floodplain). No houses or private gardens are shown in any of these areas. The two vehicle accesses do cross the extent of FZ3a, but future residents will be able to leave the site by footpath in times of flooding.

Greater areas of the site are predicted to be within FZ3a due to the results of climate change. Mapping in the Council's Strategic Flood Risk Assessment (SFRA) shows greater areas affected by 2061 (but still not including any homes), however, by 2111, several homes would be within FZ3a. The site is also at risk of surface water flooding, but this is restricted to parts of the frontage and the afore mentioned drainage ditch which are at low risk (1:1000 year).

The NPPF and the National Planning Practice Guidance (NPPG) state a sequential test (ST) is required where a site is at high risk of current or future flooding from any sources. Recent case law (Mead Realisations Ltd v Secretary of State for Housing Communities and Local Government and another EWCA Civ 32) determined that the NPPG has the same legal status as the NPPF so it should be treated as policy and not just guidance.

Para 175 of the NPPF states that a ST will not be required where the FRA demonstrates that no built development including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future. This means that it is entirely appropriate to site areas of public open space including play areas in flood zones. However, in terms of this application, a ST is required as a result of the vehicular accesses being within FZ3a and in respect of the homes affected by the future flood risk in 2111.

Guidance in the NPPG states the search area will be defined by local circumstances relating to the catchment area for the type of development proposed. The Local Planning Authority (LPA) consider that as this is a residential major development, that the HLS shortfall is a district issue and that there is no local Neighbourhood Plan to state a local housing requirement, the search area should encompass the whole district. The LPA is aware of cases in the past where a more restricted search area has been accepted (such as P/178/22/OUT which looked at sites solely in the Pagham area). It is not appropriate to persist with an inappropriate search area just because of previous decisions.

In an appeal from Uckfield in East Sussex (APP/C1435/W/22/3307820), as has been raised by an objector, that the developers used a search area of 7km from the site. The Inspector commented there was no need for such a limitation "given that the development is primarily for housing". The Inspector added that "taking into account (other areas) to accommodate housing of this scale seems eminently sensible to me in undertaking a sequential test as a wider area would significantly broaden the scope for opportunities to reduce flood risk".

The Uckfield decision was a proposal for 290 dwellings and is a completely different scale to this application. However, this supports the LPAs view that the catchment for housing developments should be the whole of the district.

The applicant's ST uses a search area defined as 'within the Greater Bognor Regis Urban Area' and 'South of the A259'. They did not seek pre-application advice on this search area, so this has not been agreed. There is no map provided to indicate the full extent of the search area, but it appears to include Pagham, Aldwick, Bognor Regis, and parts of Bersted/Middleton/Felpham south of the A259.

The LPA therefore finds that the search area is inappropriate, and its restricted nature prevents the consideration of sites in the wider district that could be sequentially preferable.

The NPPG also states that ST's should consider 'reasonably available sites' and that these are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These can include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

The LPA finds issues with the applicant's discounting of several sites on the basis that they were either 'not currently developable' / 'not deliverable' per the HELAA or that they were too small in size. The Ancton Lane site has been determined by the HELAA as not currently developable, so it is questioned why sites of a similar status have been discounted. The NPPG makes clear that it is appropriate to consider a series of smaller sites.

Applicants proposing development in current FZ3a are also required to satisfy the Exceptions Test (ET) which has two parts, firstly that that the development will provide wider sustainability benefits to the community that outweigh flood risk; and secondly, that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

It is only necessary to consider the ET if the ST is passed and this assessment finds that this has not been achieved. Even if it were necessary to consider the ET at this time, many of the wider community benefits identified by the applicant are actually policy requirements or would be expected on any development (e.g. Affordable Housing, POS & play, appropriate housing mix, private gardens). The refurbishment of Elm Farm Barns is positive, but it is questioned how the storage use will benefit the community outside of the site.

The application does not pass the sequential test, and the proposal is contrary to Arun Local Plan policies W DM2 and ECC SP1, the NPPF and the associated NPPG. Due to there being a strong reason to refuse the development on flood risk grounds, it would not be appropriate to undertake the balancing exercise for the presumption in favour of sustainable development at Para 11(d)(ii) of the NPPF.

SURFACE WATER DRAINAGE:

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.

Ground investigation results have confirmed that it will not be possible to drain the site by infiltration and therefore the scheme proposes to drain to the existing ditches on Ancton Lane at greenfield runoff rates. Attenuation and treatment measures are proposed comprising four holding ponds, permeable paving, underground cellular storage and roadside bioretention features (tree pits, rain gardens).

Arun consults with the Local Lead Flood Authority (WSCC) on all major applications, and they advised no objection subject to conditions. Given the drainage issues prevalent in the surrounding area and the local knowledge held by the council's own engineers, they too have provided advice. This is summarised elsewhere in this report but in short, amounts to an objection due to missing information and inconsistencies. The applicant responded to these objections and ADC engineers were re-consulted. They maintain their objection on similar grounds to those expressed originally with the primary concern being the proposed discharge rates and discharge locations. In addition, landscaping, tree conflicts and easements have also not been satisfactorily addressed by the submission.

Noting the significant local opposition in respect of the potential for surface water from the development to exacerbate existing foul and surface water flooding in the area, it is especially important to ensure that the drainage scheme will function correctly and not result in flooding elsewhere. The scheme as submitted does not give this certainty and accordingly, there is conflict with the relevant policies.

FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area and ALP policy W DM1 states major 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. Policy W DM1 states a drainage impact assessment (DIA) is required for major proposals.

The application provides a DIA within the Flood Risk Assessment. This states the site will connect to Southern Water's foul network to the north of the site, just upstream of the Ancton Lane pumping station. The pumped main then discharges to a gravity sewer around 0.55km to the west beyond Yapton Road. The gravity sewer then runs north-west towards Hoe Lane Wastewater Pumping Station, which pumps to the Lidsey Wastewater Treatment Works.

The DIA notes surface water will be discharged to the local ditch network at the greenfield rate and this strategy will ensure no adverse impact on surface water flood risk downstream of the site and prevent surface water from the site entering the foul sewer. On-site foul sewers will be constructed in accordance with current best practice to prevent groundwater infiltration and surface water ingress and ensure no adverse impact on sewer flood risk downstream of the site. This will include measures as follows:

- No surface water connections permitted to the wastewater system.
- Use of joint sealant or mass concrete chamber surrounds to prevent infiltration.
- Use of bolt down sealed chamber covers in areas of potential surface water inundation.

The DIA confirms it is only possible to contribute to foul sewer capacity improvements through the New Connection Charge which is a charge by Southern Water per new dwelling. Investment needs are identified by Southern Water in the Drainage and Wastewater Management Plan for the Arun and Western Streams River Basin Catchment. These needs are reviewed with Ofwat for each business plan period.

Southern Water have no objection, and they confirm there is sufficient capacity in the system to accommodate the foul needs of the development. It is acknowledged there is significant local opposition in respect of the potential for the development to exacerbate existing foul and surface water flooding in Middleton. Southern Water advise there is sufficient capacity. Should any future network reinforcement be required then Southern Water will have funds to do so via the infrastructure charging regime. It is not recommended that the scheme be refused with regard to foul drainage given these factors and principally due to the lack of an objection from Southern Water.

HERITAGE ASSETS:

Heritage assets are termed as designated or non-designated. Designated heritage assets are commonly Listed Buildings or Conservation Areas whereas non-designated assets are predominantly locally listed buildings and Areas of Character but can include buildings or structures that have not been locally listed but nonetheless have heritage value.

The site directly adjoins Ancton Manor Farmhouse which is a Grade II Listed Building and adjoins Ancton

Barn (locally listed) and Cottage Farm (locally listed). Ancton House Hotel (Grade II Listed) lies on the opposite side of Ancton Lane at the east end of the site. The Council's Conservation Officer identified the following non-designated heritage assets:

- Ancton Manor Historic Farmstead (also known as Elm Farm Barns). This forms part of the farm complex of Ancton Manor Farmhouse and is partly within and partly adjacent to the site. The applicant suggests sections may date to the 17th Century, but the Conservation Officer is not able to confirm this and states the buildings likely date to the mid-19th Century.
- Ancton Farm. This is approximately 50m east of the site and forms part of the farm complex of the Ancton House Hotel. It dates to the 19th Century.
- Flint wall / former farmstead. This is in the east section of the site and to the west side of Ancton Lane (opposite the drive leading to Ancton Farm). The applicant states the wall may date to the 18th century.

ALP policy HER SP1 states development likely to prejudice designated or non-designated heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. Policy HER DM2 refers to locally listed building but only in terms of demolition, alteration or extension and so does not apply to this determination.

The NPPF provides guidance on how to determine impacts on heritage assets and para 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 then requires Local Planning Authorities (LPAs) to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' (LSH) or 'substantial harm'.

Some objectors state the Conservation Officer must identify where on the spectrum the LSH falls. This was discussed in the public inquiry concerning BMW House in Angmering (A/110/21/) and the Inspector determined that this was not a requirement. At para 48 of the decision, the Inspector stated "The NPPG also states that the category and extent of harm may vary and should be clearly articulated but it also states that even minor works have the potential to cause substantial harm. The PPG requires the extent of the harm to be articulated but does not require the identification of any scale."

It is necessary to counterbalance 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 215). The NPPG sets out that such benefits must be public not private and must deliver the economic, social, or environmental objectives as described in the NPPF. There is a separate test for non-designated heritage assets where a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para 216).

The submission includes a Heritage Statement which concludes there will be less than substantial harm (LSH) to the two Grade II Listed Buildings but there will be low levels of harm to the significance of the non-designated heritage assets. The Council's Conservation Officer has comprehensively assessed the application and has concerns with the scheme but ultimately agrees with the assertion that there is LSH to the designated assets. The scheme would deliver the following public benefits:

- 67 new homes to contribute to the Council's significant current housing land supply shortfall.
- 21 new affordable homes.
- A contribution towards the A259 Comet Corner Improvements Scheme.
- Various off-site localised road improvements.
- Improved pedestrian/cycle connectivity between Ancton Lane and Elmer Road.
- Biodiversity Net Gain.
- Community Infrastructure Levy payments.
- Increased spending by new local residents on goods and services.

These benefits are of a level that enables the LSH can be outweighed. In respect of the impact on the non-designated heritage assets, there will be some loss of the assets themselves (Ancton Manor Historic Farmstead/Elms Farm Barns) but overall, the harm to this and the other assets is not significant such that there would be conflict with para 216. The LPA determines the proposals to be in accordance with the NPPF and raises no concerns in terms of compliance with the relevant policies and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

ARCHAEOLOGY:

ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the sites. The policy requires a desk based archaeological assessment be submitted.

The site is on the Arun Local Plan proposals map as having archaeology potential and the applicant provided an Archaeological Desk Based Assessment. This has been considered by the Council's Archaeologist who agrees to the conclusions regarding the potential impact of this proposal on deposits of interest. There is no conflict with the policy subject to a condition being imposed to secure detailed recording of finds prior to development taking place.

HOUSING MIX:

ALP policy HDM1 seeks 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).

Para 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size comprising 5-10% 1 bed, 40-45% 2 bed, 35-40% 3 bed, and 10-15% 4 bed. The scheme includes the following market housing mix:

- 0 x 1 bed dwellings (0%).
- 5 x 2-bed dwellings (11%).
- 28 x 3-bed dwellings (61%); and
- 14 x 4-bed dwellings (29%).

There is conflict with the Housing Needs Evidence associated with the policy. H DM1 allows for the mix to be negotiated on a site-by-site basis and states this does not need to be in complete accordance with the latest SHMA. Nonetheless, the applicant has justified the mix in their "Case Officer Response" (29/10/24) which states that the mix has been prepared taking into consideration the SHMA, market advice, input from housing associations and feedback received during pre-application engagement with the local authority. They list a number of other permissions granted with similar mixes. It is relevant to note that 1 bed homes typically means flats and the inclusion of these would not respect local character. For these reasons, there is no conflict with H DM1.

In terms of affordable housing, Policy AH SP2 sets out a mix comprising 35-40% 1 bed, 35-40% 2 bed, 15-20% 3 bed, and 5-10% 4 bed. The mix conflicts with this as there will be 0 x 1 bed (0%), 15 x 2 bed (71%), 5 x 3 bed (24%) and 1 x 4 bed (5%). The Council's Affordable Housing Manager does not object as stated above.

CHARACTER, DESIGN & DENSITY:

ALP policies D SP1 and D DM1 require developments make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the landscape character areas and seek, where possible, to reinforce or repair the character of those areas. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters.

Section G of the Arun Design Guide (ADG) suggests a density of 10-20 for detached/semi-detached houses in suburban centres. The site adjoins the edge of Middleton-on-Sea and Middleton Road/Elmer Road are listed in the ALP as being part of a suburban centre. The ADG also states 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 overall density of 16.6 dwellings per hectare is clearly within this range and in accordance with the ADG.

This proposal was subject to pre-application advice in November 2022 concerning a scheme of 70-90 dwellings. Officers stated that the proposal would be unacceptable when assessed against local and national planning policy with regards to density, design, layout, and its impact on heritage assets. Accordingly, the developers brought the numbers down and reduced the density of the scheme.

The layout makes efficient use of the space within the site whilst also mitigating the impact on the Grade II Listed Ancton Manor Farmhouse by setting new housing well away from this. There are no concerns with the layout of the development itself, and it is also recognised that the proposed scale is in character with the surrounding area with a maximum of two storeys and also six bungalows (including 4 where the site adjoins with the locally listed Cottage Farm).

There are no concerns with the distribution of affordable housing (AH) as whilst there are two groups of 7, these are within rows also containing market housing. The other AH plots comprise a pair of semi-detached houses flanked by market dwellings, a group of 4 semi-detached also flanked by market dwellings and a single AH plot in the SW corner. It is clear from the plans that the house types are shared between tenures. It is positive that Public Open Space (POS) is predominantly sited centrally in the scheme with other smaller elements in the western and eastern parts of the site. The layout provides sufficient play spaces (1 LEAP and 3 LAPs), and these are spread through the layout. The scheme includes a significant number of street trees and other frontage landscaping. The existing north-south ditch in the western part is retained as a natural feature.

The existing topography includes noticeable dips in the eastern part of the site and existing ditches notably running north-south in the western half and along the northern boundary. The topographical survey shows the levels drop considerably from the southern boundary (around 4.5/4.9m AOD) to Ancton Lane (around 2.5m AOD at the western end & 3.4m AOD at the eastern end). In order to construct the homes and implement the necessary services, roadways, and a functioning drainage scheme there will be a requirement for levels to change. The plans show levels changes consisting of:

- A range of 0.5-0.7m increases on the western side of the site.
- A range of 0.2-0.4m increases on the southern side of the site; and
- Some considerable increases on the northern edge such as 0.8m (plot 67 which is a bungalow), 0.7m (plot 24), 0.8m (plot 17), and 1.5m (plots 23/24).

The effect of development on site and the contribution of these levels changes will result in some harm to the character and appearance of the locality. It is positive that for the most part, all houses are well set back from Ancton Lane and will benefit from existing, enhanced, or proposed landscaping which will help to screen and soften the appearance of the site. The exception to this set back is plot 67 but this is a bungalow and will have less harm on the streetscene.

The proposal sets out three character areas in the layout comprising the rows of the dwellings along the western and part southern boundaries, the block of houses set back from Acton Lane in the western part and then the houses in the eastern area. These feature different materials and different porch designs. The house types are contemporary in appearance but mixed with good design variations.

The Landscape Visual Impact Assessment (LVIA) concludes the change of use would not appear out of character with the wider landscape context of the site, due to views currently seen from the site and surrounding area towards the adjacent settlement edge of Middleton-on-Sea. The layout and form of the dwellings would reflect the adjacent morphology of the settlement and rural edge - therefore the proposal would integrate well with the character of the rural-urban interface. It states in the long-term, as they mature the landscape proposals would increasingly enhance the landscape of the site and the character of the settlement edge. The Council's Landscape Officer raises no objection.

The proposal will result in a change to the character of this edge of settlement location deriving from the loss of the grazing land and the development with new homes. However, there is existing residential development to the west, south and east and the site represents a logical extension to the existing settlement. The scheme will largely retain and enhance the existing natural screening which will mitigate the impact on the streetscene and soften/green the resultant site. The change in character will not be harmful to the settlement as a whole and the proposal is in accordance with all of relevant development plan policies.

RESIDENTIAL AMENITY & NOISE POLLUTION:

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 the following 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.

The layout has been assessed versus ADG standards and there are only a couple of shortfalls comprising the distance from the rear of plot 12 to the side of 34 (14m versus the 14.5 requirement) and the rear of plot 17 to the side of plot 18 (at 13m). The latter was increased from 12m to 13m by the applicant following initial concerns. The only window affected on the flank of plot 34 is to an ensuite which can be obscure glazed whereas there are no windows on the flank of plot 18 therefore no potential for overlooking. Given that the interface shortfalls are minor in the context of a scheme of 67 dwellings and that no windows will be adversely affected, a refusal on these grounds is not be sustainable.

The development as a whole will result in an increase in activity levels to this part of Ancton Lane and to the existing edge of Middleton which will be noticeable to existing residents. However, the new activity will be residential in nature and so not dissimilar to the existing uses. The increase in activity levels will contribute to a change in character but will not be detrimental to the amenities of existing residents. There is no conflict with the relevant development plan policies.

It is positive that the applicant has responded to previous objections of the Council's Environmental Health Officer concerning potential for noise from ASHP's and has replaced these with exhaust heat pumps which will be within the envelope of the dwellings.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The application demonstrates all dwellings meet or exceed the internal space standards. The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. All front/rear gardens meet the standards.

HOMES FOR OLDER PEOPLE:

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy and does not have supplementary planning document status either. However, it has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2.

This sets out a requirement for 35 homes meeting the M4(2) standard and 4 to meet the M4(3) standard. The application proposes 61 M4(2) and 6 x M4(3) and so well exceeds these standards. ADC policy states schemes larger than 100 units should make some provision for bungalows. Whilst this development does not exceed the 100-dwelling threshold, the scheme does include six bungalows, and these are those which will be M4(3) compliant.

TREES:

ALP policy ENV DM4 states TPO protected trees or trees that contribute to local amenity must not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland. The ADG states that trees should be afforded sufficient space to grow and mature. In addition, they should be considered as focal points in developments and there should not be any incursion into Root Protection Areas (RPAs) with buffer zones being provided around important/retained trees to provide additional protection. Appendix 9 of the Council's Open Space SPD also provides guidance on adequate tree protection areas and buffer zones.

The application proposes to retain the vast majority of trees and hedging, the exceptions being T2 Sycamore, T6 Poplar, T11 Ash, T12 Ash, G19 Hawthorn/Elder/Elm (remove part), G20 Hawthorn/Elm/Hazel (remove part), G24 Lawson Cypress (remove part), G25 Hawthorn/Elm/Elder/Field Maple (remove part), G34 Willow (remove part), and G35 Ash. It is proposed to remove Hedge 4 and parts of H13, H16, H18, and H32. Several trees will be subject to pruning.

As set out elsewhere, there are two relevant TPO's which provide protection to important trees within the site area and along Ancton Lane west of the site access. As per the applicant's report, the trees subject of the first TPO are referenced as T23, T26, T30, T31, and T33 whilst those of the second are noted as G38. The applicant describes the G38 trees as being Monterey Cypress whereas the Tree Officer (and the TPO schedule) refers to them as Hybrid Black Poplars.

The Council's Tree Officer provided initial comments and has reviewed several further submissions from the applicant but retains several concerns with the proposal as follows:

- The layout proposes residential gardens abutting important trees with no buffer areas. These trees may result in the shading of new gardens affecting amenity and limiting new landscaping. The trees may also create nuisance to new residents (i.e. leaf litter or falling twigs/branches) resulting in future pressure from residents to prune or fell such trees. In addition, typical garden activities (such as planting, lawn treatments, digging) and permitted developments have the potential to damage root systems.
- The layout also means that important TPO trees are obscured from public view by the new houses thus

impacting on their existing public amenity value. This is particularly the case with T26 Ash in the south-western corner and T23 Oak on the southern boundary at the rear of plots 48/29.

- There is presently insufficient information regarding the off-site road widening proposals on Ancton Lane west of the access and the impact of this on the line of Poplar trees set within the northern verge. It is this concern that led to the serving of the second TPO.

- Some drainage attenuation features are within the root protection areas (RPAs) of retained trees (such as the pond in the north-western corner of the site).

The Tree Officer recommends there be no residential development/gardens in the RPA of TPO T26 and that it be provided with an additional 2m buffer. TPO T23 and T26 should not be overlapped by any plot and remain visible to more than just adjacent dwellings. A landscaped buffer should be provided along the western and southern edges to ensure the retention of other trees and hedges. There needs to be assurance that TPO T33 is not affected by the attenuation pond.

The applicant recently provided an amended Arboricultural Impact Assessment, and the Tree Officer has been asked to provide final comments, and these will need to be reported by way of an update. Given there have been no changes to the layout, it is very unlikely that the Tree Officer will withdraw his objections. The proposal is in conflict with ALP policy ENV DM4 and with the supporting guidance in the ADG and SPD.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species.

Due to the potential for species to be affected, the applicant provided supporting documents including a Preliminary Ecological Appraisal, a Protected Species Walkover Survey & Bat Assessment, a Barn Owl Survey, a Bat Survey Report, and a Great Crested Newt Habitat Suitability Index Report.

There has been substantial objection on grounds of harm to biodiversity. The Councils Ecologist assessed all the submitted reports and provided two sets of comments which jointly set out that there is no objection on ecology grounds subject to conditions to ensure the necessary mitigation and enhancement measures. These include the need for a bat licence prior to demolition, Barn Owl boxes, a suitable lighting scheme, bat bricks/tubes, universal bird nesting boxes, a Biodiversity Enhancement Strategy, and a Construction Environmental Management Plan for Biodiversity. Conditions are deemed necessary concerning badgers, dormice, reptiles, and Great Crested Newts.

The application is required to demonstrate Biodiversity Net Gain (BNG), and it is proposed to provide part of this on-site (0.96 hedgerow units & 0.13 watercourse units) and part off-site (8.77 habitat units to be secured by Environment Bank credits). The Ecologist raises no concern, but a legal agreement would be required to secure this provision and 30-year monitoring.

Given the lack of any objection from the Ecologist, the proposal is in accordance with the relevant development plan policies.

AIR POLLUTION & CLIMATE CHANGE:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

ALP policy ECC SP2 requires 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 and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

As set out elsewhere, the scheme proposes to provide pedestrian and cycle links to Ancton Lane and pedestrian links to the public footpath running along the southern boundary which in turn facilitates access to Elmer Road via Lucking Lane. Future residents will be able to walk or cycle using local roads/footways to reach local facilities and will not need to rely on the private car. The submission includes a Travel Plan and proposes storage facilities for bicycles.

The application proposes electric vehicle charge points and is accompanied by a Sustainability & Energy Statement which proposes the use of exhaust heat pumps for heating & hot water (instead of natural gas). The houses will be designed to be thermally efficient and use passive design features to maximise solar gain and ventilation. The homes will be designed to meet the optional 110 litres/per person/per day water standard in accordance with ALP Policy W DM1.

The submitted Air Quality Assessment (AQA) concludes compliance with the relevant policies and states:

- The development will not introduce new receptors into locations where air quality objectives are not met.
- The results of the dust risk assessment indicate that construction activities, at worst, have a 'Medium' risk of dust soiling and a 'Low' risk of health effects at nearby receptors without mitigation.
- Air quality impacts from construction and operational traffic will be negligible, due to the expected small number of vehicle movements during construction and operational phases.
- The results of the emissions mitigation assessment show that the five-year air quality damage cost of the proposed development is equal to £12,155. This represents the minimum sum of money to be spent on mitigating adverse air quality impacts from the proposed development.
- The proposed electric vehicle charging points, exhaust heat pumps and bicycle storage facilities are expected to cover the five-year air quality damage cost presented in the report.

The Environmental Health Officer raises no objection and subject to conditions. The proposal would comply with relevant development plan policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council's interim affordable housing policy sets out the need to secure first homes as part of the affordable housing mix. The scheme proposes sufficient affordable housing to meet this requirement. Subject to a legal agreement being signed to secure the affordable housing, there would be no conflict with the policy.

PUBLIC OPEN SPACE (POS) & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. Policy HWB SP1 seeks to ensure development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The council's SPD sets out an overall requirement of 5,528m² of POS to include 811m² of play facilities. The play provision should comprise a Local Equipped Area of Play (LEAP) and informal Local Areas of

Play (LAPs). The layout includes a total of 6,856m² of POS with a centrally sited LEAP and 3 LAPs spread through the site. The Council's Landscape Officer raises no concerns with POS and play proposals.

Contributions to off-site leisure & sports facilities, and allotment provision would need to be funded by CIL instead. There is no conflict with the relevant ALP policies.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals to provide for or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community.

This development would be liable for CIL. Infrastructure providers such as WSCC and the NHS can bid for a portion of the CIL payments collected to spend on their own projects. The Parish council will be provided with a percentage of the CIL receipts (15%) to spend on their own projects. These payments go towards infrastructure the district needs to support existing and future development.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. It would be appropriate to use s106 to secure a s278 highway agreement for the road widening, localised highway improvements and a contribution to the Comet Corner junction improvements scheme. The latter has been discounted to account for CIL contributions and reflects the approach taken in respect of Y/3/22/OUT and Y/52/23/PL on Bilsham Road. WSCC Education request a school transport contribution.

Subject to the applicant entering into a s106 Agreement to secure a school transport contribution of an appropriate level, the Comet Corner contribution, and implementation of the travel plan (plus associated monitoring/auditing fee) then there would be no conflict with ALP policy INF SP1. WSCC Education previously advised the school transport contributions are CIL compliant, so securable under s106, but cannot be secured through CIL. Recent appeal decisions have agreed this approach.

SUMMARY & THE PRESUMPTION:

There is conflict with the ALP in terms of development in the countryside, and the loss of best & most versatile agricultural land. This report has identified harm to important on and off-site trees, conflicts with drainage policy and with the detailed requirements for a flood risk sequential test.

The Council cannot currently demonstrate a policy compliant 5-year Housing Land Supply (HLS) and the NPPF directs that the presumption in favour of sustainable development is engaged. In terms of decision making, this states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (as is the case for Arun due to the HLS situation) then permission should be granted unless

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

Normally, the LPA would then determine the application by assessing the policy conflicts/harm against the benefits with reference to (ii). In this case, (i) is engaged as there are policy conflicts concerning flood

risk that provide a strong reason for refusal. It is appropriate to refuse the application without considering whether the benefits override the concerns in respect of trees and drainage.

Some residents have highlighted the appeal decision for BMW House (as mentioned elsewhere) and state it directs that para d(i) should be engaged where there is any level of harm to a designated heritage asset. The NPPF is clear that where there is less than substantial harm (LSH) to a designated asset, it is necessary to assess this harm versus the benefits. It would not be appropriate to undertake this balancing exercise finding in favour of the scheme only to then state that the harm still represents a strong reason for refusing the development proposed. In any case, this conclusion identifies that para d(ii) is not engaged due to flood risk.

It is therefore recommended that the application be refused for the reasons set out 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 refusal 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 refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

Were this application to be approved then it would be granted subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 21 affordable dwellings (comprising of 14 affordable rented, 5 First Homes & 2 Intermediate/Shared Ownership).
- (2) A Secondary School Transport Contribution as per WSCC's standard formula but for 1-10 plus 4 years.
- (3) A contribution of £15,412 towards improvements at Comet Corner.
- (4) Delivery of the following proposed 'Off-Site Highway Works' via the s278 process:
 - To provide localised widening of Ancton Lane, as per plans submitted as part of this planning application. (Plan 183-0004-0008 P04).

- To provide the main access into the site from Ancton Lane as per plan. (Plan 183-0004-0008 P04).
- To provide 1 pedestrian route to the north of the site by Elm Barn as per plan (Geometries plan 183-0004-0022 P03).
- To provide 1 pedestrian/cycle routes out of the site from the East onto Ancton Lane as per plan (Geometries plan 183-0004-00016 P02).
- To provide 1 pedestrian link from the south of the site inking into Lucking Lane as per plan (Geometries plan 183-0004-0018 P05).
- (4) A Travel Plan monitoring fee of £3,500 (index linked).
- (5) On-site BNG and future management/monitoring.
- (6) ADC's standard monitoring fee of £1000; and
- (7) WSCC's standard monitoring fees (to be determined by WSCC during the drafting).

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and CIL would be liable unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). A proportion (15%) of the final total would go to the Parish Council.

RECOMMENDATION

REFUSE

- 1 The proposal requires the widening of Ancton Lane west of the site to accommodate the increase in traffic to and from the site and this widening will affect a line of hybrid black poplar trees, the subject of a Tree Preservation Order which contribute to public amenity and the character and appearance of the Ancton Lane streetscene. No definitive information has been put forward to properly determine the level of impact and the Local Planning Authority has to conclude that the proposal will be harmful in conflict with Arun Local Plan policy ENV DM4 and the NPPF.
- 2 The layout is unsympathetic and intrusive to important trees within and adjacent to the site, failing to ensure maximum visibility of trees protected by Tree Preservation Orders and to provide all retained trees with landscaped buffers to ensure future protection from third party pressure to prune or fell such trees. The layout proposes new drainage features in the Root Protection Areas of important trees. The proposal will be harmful to important trees and their contribution to local amenity and so, the proposal is in conflict with Arun Local Plan policy ENV DM4, the Arun Design Guide, Open Space Supplementary Planning Document and the NPPF.
- 3 Parts of the site containing built development are affected by known flood risk (zones 2, 3a and 3b) whilst a greater extent (approximately half of the site) is predicted to be within flood zone 3a by 2111 due to the effects of climate change. The applicant is required to demonstrate via a sequential assessment that there are no other reasonably available sites in the district that are sequentially preferable in flood risk terms. The applicant provided a sequential assessment, but it is based on a search area limited to the Greater Bognor Regis urban area and the Local Planning Authority are of the view that sequential assessment for major residential development outside the built-up area boundary should consider sites in the whole of the district. Several sites have been discounted for being too small or for having the same status as the application site in the Housing and Economic Land Availability Assessment (HELAA). The sequential test is not passed, and the proposal is contrary to Arun Local Plan policy W DM2 and ECC SP1, the NPPF and the associated PPG.
- 4 Insufficient information has been submitted to demonstrate that the drainage scheme will not result in off-site flooding, that the drainage scheme will not be adversely affected by proposed landscaping and existing retained trees or that there will be sufficient maintenance access to

drainage features in the future. The proposal conflicts with Arun Local Plan policies W DM2 and W DM3, West Sussex Surface Water Design Guidance, the NPPF and the associated Planning Policy Guidance on Flood Risk.

- 5 The proposed development would result in a net loss of high value agricultural land. The harm identified, in combination with other issues, clearly and demonstrably outweighs the benefits of the application including its contribution to the Councils Housing Land Supply shortfall contrary to Arun Local Plan SO DM1.
- 6 In the absence of a signed Section 106 legal agreement, the development makes no contribution towards affordable housing, secondary school education transport, or improvements to the A259 Comet Corner junction and also fails to secure the necessary local highway improvements in conflict with Arun Local Plan policies AH SP2, INF SP1, INF SP2, T SP1 and T DM1 and the NPPF.
- 7 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of on and off site Biodiversity Net Gain and the future monitoring of the on-site proposals in conflict with Arun Local Plan policy ENV DM5, the NPPF and the NPPG.
- 8 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- 9 **INFORMATIVE:** Listed Building Consent will be required for the works to the eastern barn in the Ancton Manor Historic Farmstead (also known as Elm Farm Barns) as this would be considered curtilage listed in association with Ancton Farm House.

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 by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

M/49/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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REPORT UPDATE

Application No: A/39/23/PL

Reason for the Update / Changes

REPORT UPDATE - Committee 26 March 2025

This application was originally presented to Planning Committee 13 December 2023 at which time the committee voted to approved the officer recommendation, which was:

That delegated authority be given to approve the application subject to no objection being received from the Council's Drainage Engineers.

Following the decision of committee the application has been the subject of prolonged negotiation between the applicants, Environment Agency and Council's Drainage Engineers to seek resolution to the drainage issues. Despite this, objections remain from the Environment Agency and the Council's Drainage Engineers who have provided the following comments in their most recent consultation responses:

ENVIRONMENT AGENCY (06.02.2025)

As submitted the development poses an unacceptable risk to life and/or property from flooding. We object to this application and recommend that planning permission is refused.

WSSC LEAD LOCAL FLOOD AUTHORITY (17.02.2025)

No objection subject to conditions.

DRAINAGE ENGINEERS (03.03.2025)

Objection - Insufficient information has been submitted to determine whether the proposed layout and associated surface water drainage for the site will increase flood risk.

The supporting ground investigations are not comprehensive enough to demonstrate confirmed disposal methods in accordance with the hierarchy for sustainable drainage. Due to lack of certainty regarding disposal and the limitations of the layout, the designer is proposing a surface water pump to achieve a connection to the outfall.

The SuDS Manual and the SuDS: non-statutory technical standards for design both indicate that pumps should be used as a last resort. The designer is aware of the Council's Engineers resistance to the use of pumps and yet the design still proposes deep attenuation tanks. The layout of the development means that pipes are longer because they are directed around buildings. Both factors have made the use of a pump more likely.

It appears that the drainage of the site is being coordinated to conform to a proposed layout rather than to inform it. This means that unsustainable drainage features are being imposed upon a site where they may not be necessary.

There are still concerns regarding the conflict between flood compensation and the surface water drainage design.

FLOOD RISK AND DRAINAGE

As identified above objections have been raised by both the Council's Drainage Engineers and the Environment Agency (EA) on flood risk and the surface water drainage proposals.

The site falls within Flood Zones 3 and 2 and it has been identified by the EA that the proposals would result in a risk to life and/or property, in upstream and/or downstream locations from fluvial inundation were the development to be permitted.

The reasons provided for this is that the proposed floodplain compensation area is located within the designed flood extent which is inappropriate. Flood compensations should be located outside but adjacent to the design flood extent taking into account climate change.

In addition, it has been advised that the current design does not allow for free movement of flood water into and out of the floodplain compensation area but rather through a control structure. This is necessary to allow the compensation to act as an extension to the current floodplain. Using a control structure introduces the risk of blockage, failure or lack of maintenance which would result in the compensation area not being effective and increasing flood depths/levels elsewhere.

The conclusions of the Environment Agency are supported by the Council's Drainage Engineers who have also raised objections to the use of a control structure and conflicts between the drainage design and flood compensation areas. Objections have also been raised due to insufficient ground investigation being carried out, it has been noted that additional infiltration was undertaken but this was not in accordance with guidance and as such cannot be used to inform the design of the drainage system.

Due to the uncertainty regarding disposal and the implications of layout the drainage scheme is reliant upon pumps which is also not supported by the Council's Drainage Engineers. Whilst the SuDS manual acknowledges that pumps can be used as a last resort it is expected that all possible alternatives are considered, including reconfiguring the layout to avoid their use.

It has been advised by Engineers that, due to their in principle objection to the drainage scheme, insufficient ground investigations and conflict with natural drainage characteristics and sustainable drainage hierarchy the drainage scheme has not been fully reviewed and as such objections could be raised to drainage rates and volumes, contributing areas and biodiversity, amenity and interception drainage.

Therefore, due to the objections raised by the Environment Agency and the Council's Drainage Engineers it is recommended that the application be refused for the reasons set out below.

1. The proposed development has failed to adequately demonstrate compliance with the SuDS hierarchy due to insufficient groundwater information. This has resulted in a lack of certainty regarding the proposed discharge rates and volumes to the watercourse as well as disposal and storage locations which results in a reliance upon pumped solutions. In the absence of this information the proposals are deemed to conflict with policies W SP1, W DM2 and W DM3 of the Arun Local Plan, the National Planning Policy Framework and the associated PPG on Flood Risk (including the The SuDS Manual at paragraph 057).

2 The proposed combined flood compensation and conveyance of surface water from the site means that water flows into the flood compensation area will be restricted by the outflow pipe and hydrobrake chamber. As water will not be able to flow freely in a flood event the compensation will not perform as designed. The use of a control structure will increase the risk of blockage or failure which would result in the compensation area not being effective and increasing flood depths/levels elsewhere. The proposal conflicts with policies W DM2 and W DM3 of the Arun Local Plan, the National Planning Policy

Framework and the associated PPG on Flood Risk (including the The SuDS Manual at paragraph 057).

REPORT UPDATE - Committee 13 December 2023

Reason for Update/Changes:

1. A letter of representation has been received which has raised concerns with the conclusions in relation to the railway crossing. The representation states that a financial contribution should have been secured towards mitigating the increase in risk associated with the development and the existing railway crossing.
2. A number of amendments have been identified for the following conditions:

Condition 2 - Removed the existing plans from the list of approved drawings.

Condition 24 - The wording has been amended as to the trigger point for the planting to be implemented.

Condition 25 - Removed the word dwelling.

Officers Comment:

1. The consultation response from Network Rail does not raise any objection or specifically request that mitigation is necessary or that it should be secured as part of this planning application. The response identifies that the risk category post development would remain unchanged despite the 5 additional users (10 additional crossings) per day.

Therefore, the view of the Local Planning Authority remains that the increased risk does not generate sufficient harm as to warrant closure of the crossing and diversion of the Public Right of Way (PROW).

2. No further comments.

Note: The amended condition wording is 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: 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	<p>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.</p> <p>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.</p>
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	<p>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.</p> <p>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.</p>
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

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.

Environment Agency - 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.

WSCC - 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.

WSCC FIRE AND RESCUE - No objection subject to a condition in regard to fire hydrants.

WSCC 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 polices 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

REFUSE

- 1 The proposed development has failed to adequately demonstrate compliance with the SuDS hierarchy due to insufficient ground investigations. This has resulted in a lack of certainty regarding the proposed discharge rates and volumes, and the reliance on the use of a pumped solution to the watercourse. The uncertainty regarding the natural drainage of the

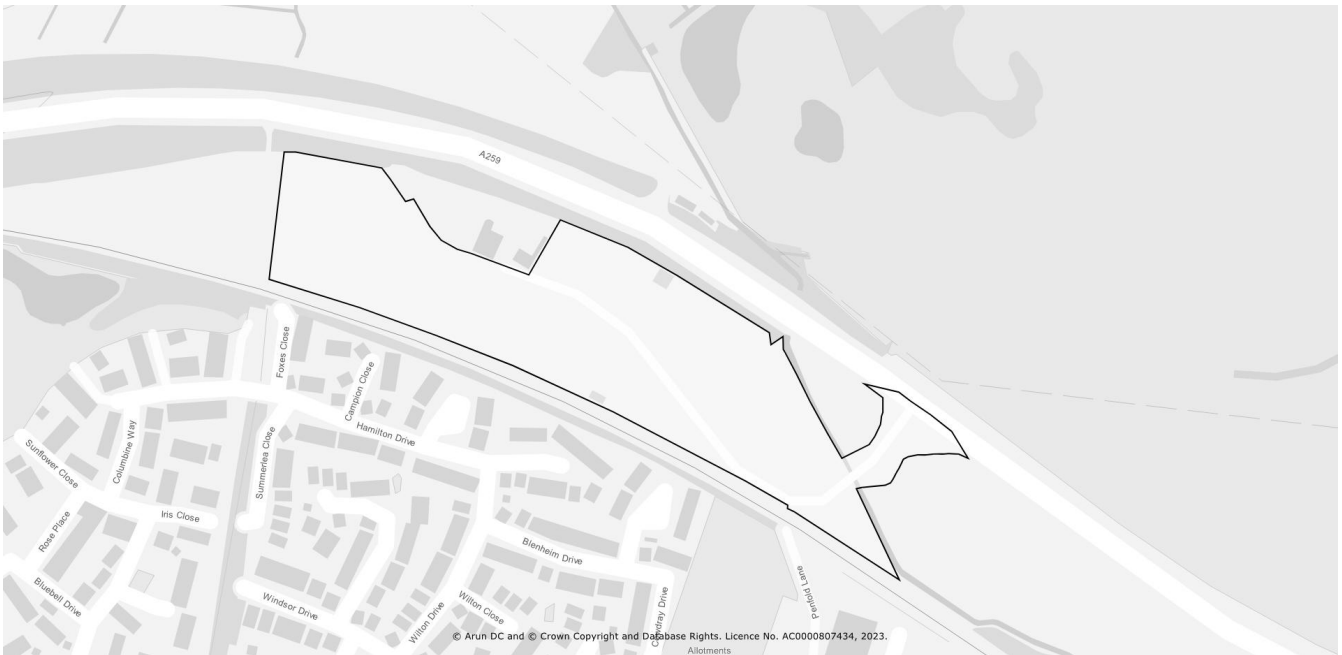
site means that the layout prejudices against preferential drainage methods which reduce flood risk, this is due to proposed buildings being located in areas which may be able to drain to ground. The proposed use of pumping without adequate justification means that energy consumption and therefore greenhouse gas emissions would be higher than if a more sustainable gravity based design had been proposed. The proposals and their justification are deemed to conflict with policies W SP1, W DM2 and W DM3 of the Arun Local Plan, the National Planning Policy Framework and the associated PPG on Flood Risk (which refers to the The SuDS Manual at paragraph 057).

- 2 The proposed combined flood compensation and conveyance of surface water from the site means that water flows into the flood compensation area will be restricted by the outflow pipe and hydrobrake chamber. As water will not be able to flow freely in a flood event the compensation will not perform as designed. The use of a control structure will increase the risk of blockage or failure which would result in the compensation area not being effective and increasing flood depths/levels elsewhere. The proposal conflicts with Arun Local Plan policies W DM2 and W DM3, the National Planning Policy Framework and the associated PPG on Flood Risk (including the The SuDS Manual at paragraph 057).
- 3 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reasons for the refusal, approval has not been possible.

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 by clicking on this link and clicking on View Documents.](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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PLANNING APPLICATION REPORT

REF NO: BR/236/24/PL

LOCATION: Bognor Regis Football Club
Nyewood Lane
Bognor Regis
PO21 2TY

PROPOSAL: Creation of a Synthetic Turf Stadia Pitch including upgraded fencing, floodlighting and ancillary equipment to replace a natural grass stadia pitch. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to replace a grassed football pitch with a synthetic turf stadia pitch (3G). This includes replacement floodlighting, spectator fencing and minor alterations to an on-site storage area.
TOPOGRAPHY	Predominantly flat.
TREES	None are affected by the development.
BOUNDARY TREATMENT	The site has a brick wall to its southern elevation and fencing to the north and east. Spectator terraces form the boundary to the west.
SITE CHARACTERISTICS	The site is a football pitch and club with associated car parking, spectator terraces and other incidental facilities.
CHARACTER OF LOCALITY	Urban residential area.

REPRESENTATIONS

Bognor Regis Town Council - no objection.

2 no objections.

- The facilities are badly needed.
- It will bring many opportunities to the area.

52 objections and a petition signed by 36 people.

- The floodlights would be a blot on the landscape.
- Biodiversity loss.
- Overcrowded on street parking.
- An increase in noise disturbance.
- An Inspector noted noise as an issue for a similar proposal elsewhere.
- Increased noise pollution.
- Significantly increased hours of operation.
- The application does not include a noise assessment.
- Impact on wildlife.
- Parking is inadequate for existing operations.

- No community engagement with residents has taken place.
- Overshadowing from increased height to lighting.
- Increased light spill to nearby residents.
- It does not provide additional parking.
- Match days result in inconsiderate parking.
- Microplastics will contaminate the environment.
- Insufficient drainage information.
- Schools and care homes would be affected.
- It is located too close to dwellings.
- Excess rubbish at match days.
- It will affect the value of properties.
- There is no reasonable requirement for this facility.
- There is no EV charging proposed for existing parking.
- There is no storage for cycles.

201 support.

- Currently travel to Lancing and Worthing to play and this is much needed in the area/it removes the need to pay to hire all weather pitches further afield.
- Positive development for the town.
- Grass pitches are not reliable/artificial pitches reduce postponements.
- It would be great addition to the community/there is a need for an all weather pitch.
- It will benefit not only the club but Bognor Regis.
- It is vital for the mental and physical wellbeing of young people/3G pitches are imperative for youth football development.
- More opportunities to participate for all ages and genders.
- Requires less maintenance than grass pitches.
- More usage of the pitch is supported/this will be an asset to the area.
- There needs to be support for spaces that actively encourage physical fitness and wellbeing.
- It is essential for the development of football within Bognor Regis.
- It is an upgrade to existing facilities.
- A modern and safe stadium will be positive.
- Much needed revenue to the club/it is essential for the future of the Club.
- The availability of a 3G pitch enables activity all year round.
- This is needed if the club wants to compete with others nearby.
- It is much needed infrastructure.
- All of the community will benefit from this upgrade.
- The Youth team is at capacity and this will enable increased availability.
- The effect of microplastics is unknown.
- This will remove one of the best non-league football pitches.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology - No objection subject to conditions relating to biodiversity gain plan and lighting.

Environmental Health - No objection.

Sport England - No objection subject to conditions.

ADC Drainage - No objection subject to conditions.

WSSC Highways - No objection

Lead Local Flood Authority - Objection. Further information required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The condition requested by ecology regarding lighting is not necessary as the application contains the information such as light spill and Lux levels.

POLICY CONTEXT

Built up area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Bognor Regis Neighbourhood Plan 2015 Policy 8B](#) Car Parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not result in harm upon the visual amenity of the area nor result in adverse harm upon neighbouring amenity, parking or drainage.

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

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

OTHER MATERIAL CONSIDERATIONS

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

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- 0.03 hedge units, resulting in a gain of 0.01 units and a 38% increase to hedgerows.
- There will be a total net loss of -1.56 units of habitat units on site.

Off site credits will need to be purchased to ensure the required 10% biodiversity net gain will be achieved.

CONCLUSIONS

PRINCIPLE

The site is open space as identified by the Arun Local Plan (ALP). Policy OSR DM1 (ALP) supports the retention and upgrading of development that promotes open space, sport and recreation facilities. It requires any loss of open space and outdoor sport facilities to be replaced by the equivalent or better provision. The replacement pitch fulfils these requirements and accords with this part of the policy. It requires all development to be consistent with other ALP policies, this will be concluded below.

On the basis of the above, the Arun Local Plan supports development of this nature in principle.

DESIGN AND VISUAL AMENITY

The application proposes to replace a grassed football pitch with a Synthetic Turf Pitch (3G) along with upgraded floodlighting and spectator fencing.

The site will largely retain its appearance in relation to built form. There is spectator fencing which runs around the perimeter of the pitch which is 1.2m high. This will be replaced with a new fence although the height will reduce to 1.1m. The fence will consist of a steel open mesh fencing with infill migration boarding and advertising. These act as a containment measure to prevent the migration of the pitch microplastics.

The site has hard standing around the sides of the pitch perimeter for spectators. In some areas this is narrower than others between 0.9m - 1.2m. This will be altered so that 1.2m width pathways are achieved around the footprint of the pitch to enable sufficient spectator movements.

There will be a storage area to the southwest of the site where goals and other equipment are to be stored. This area is used for the same purpose although existing storage facilities will be removed and replaced with one large storage container. This would measure 6m in length and 2.4m in width. It will have a flat roof with a height of 2.5m. This appears appropriate in scale for its location.

Existing floodlighting will be upgraded from a lattice tower to column lighting. The number of lights will remain the same at 4, however the height of the lights will increase from 15m to 18m. Whilst higher, the appearance would be less prominent as a result of the column design which is more simplistic than the current lattice design. The columns would be marginally more visible in the locality.

The development would largely retain its overall appearance with upgrading of the existing lighting, fencing and pitch and this would not result in a harmful visual change upon the appearance of the site nor on the character of the area in accordance with ALP policies D DM1 and D SP1.

RESIDENTIAL AMENITY/NOISE/OPENING HOURS

Arun Local Plan Policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The site is surrounded by residential development with Kyoto Court and Cresenta Walk to the south and a care home and other residences to the west. The physical changes on site would not result in harm by overshadowing, overbearing or overlooking on neighbouring amenity.

ALP policy QE DM1 is relevant to noise generation. Concerns have been raised in representations regarding noise at the football club. The site is used as a football pitch and whilst the capacity for use will increase as the material of the pitch would allow it to be utilised all year round and the opening hours will be extended to allow for community use, this does not change what the site was designed to be used for and does not seek new noise generating development as its existing use is not changing. It is acknowledged that the changes would likely increase the incidents of noise that could be generated through more regular use of the facility. Environmental Health assessed the application and have no objections with regards to noise.

Whilst the opening hours will bring additional use and noise, it appears from the representations received that the main incidence of noise at the site is created on match days and the amount of match days would not change as a result of the development. Weekend matches that are currently postponed due to weather and played during the week should reduce as the surface can be used in all conditions.

The opening hours are proposed as 9am-10pm Monday to Friday and 8am-6pm on weekends. These timings are proposed to satisfy training and community use of the facility.

An indicative programme of the potential user groups specifies that the site may be used by academy groups or higher education during daytime hours. With regards to the evening hours, the pitch is used 3/4 days during the week, and it is likely to increase to 5 evenings. A community use agreement will be finalised with Sports England regarding community access. On weekends the pitch will continue to be used by the men's team and on Sundays, the youth fixtures will move from adjacent field behind to use the pitch.

The club has a PA system that is only to be used on match day and is not needed during training sessions or for community use. This is existing and cannot be considered as part of this application.

Representations were received that made comment to an appeal for a similar proposal noting it was refused citing noise issues. This reason was not upheld stating it could be managed by certain conditions.

Whilst it is accepted that additional noise events will be created by the increased use of the site these would not be so significant such that a refusal is justified. Conditions to be imposed regarding the use of PA system.

The proposal complies with ALP policies D DM1 and QE DM1.

LIGHTING

ALP policy QE DM2 states proposals which involve outdoor lighting must be accompanied by a lighting scheme and sets out restrictions and conditions on new lighting proposals.

The existing floodlighting system consists of 4 x 15m high floodlight lattice towers. This provides 36 lights across the 4 towers with an average lux level of 307 around the pitch footprint. The proposed lighting retains 4 towers with 24 lights with an average lux level of 310. Whilst the lighting is 3m higher at 18m, it uses LED luminaires which can be angled further downwards and enables better light spillage control.

The floodlighting has been accompanied by a light spill diagram calculation and lighting specifications. For the closest residential properties to the site, the lighting scheme shows a horizontal light spill of under 2 lux at all but block 1 at Kyoto Close which shows a lux level of between 2-5. This is below the 10 lux pre curfew level for this location (E3 Well inhabited rural and urban settlements, small town centres of suburban locations) as set out in the ILP Guidance Note 1 for the reduction of obtrusive light 2021.

The lighting offers dimming potential and the ability to light individual sections of the pitch if the whole pitch is not being used. As a result of the ability to dim the lights, it will have two settings, the maximum which will be used on match days and a reduced average of around 120 lux which would be used outside of match days such as for weeknight training. The agent has agreed to a condition which would restrict lighting for all training type events on the facility to be at the reduced levels. The lighting is subject to alternative operating hours which would be 3pm-10pm. The lighting would not be run continuously during these hours and would only be operational when the facility is being used.

Environmental Health have raised no concerns in relation to the lighting. This would meet the acceptable ILP Guidance limits.

From the information supplied, the new lighting will reduce the amount of light spill compared to the existing and would result in more control of the lights such as through the ability to dim and restrict light to certain sections of the pitch.

The lighting is acceptable and would not result in harm upon neighbouring amenity or the wider area in accordance with ALP policies QE DM2.

BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. Recent changes to the Environment Act came into force on 2 April and require a 'measurable' 10% biodiversity net gain (BNG) to be made.

The application includes a "Preliminary Ecological Appraisal" (PEA), a separate Biodiversity Net Gain

Assessment (BNGA) and a copy of the BNG Metric. The site forming a football pitch is primarily dominated with species of poor modified grassland and considered to be of low ecological value. The site offers limited suitable habitats for protected species and there would be no impact on these. The PEA sets out enhancements in the form of log piles, bee banks and invertebrate boxes and these are acceptable.

Concerns were raised with regards to the microplastic contained in the pitch and its impact upon the wider environment and nearby conservation sites such as Pagham Harbour. Sports England advise that containment measures should be used to prevent migration of microplastics. Infill Migration Mitigation Features will be installed as per relevant Sport England Design Guidance to prevent microplastics dispersal. This includes containment barriers to the outer perimeter spectator fencing to ensure microplastics stay within the fenced footprint of the site. The surface will include a shock pad which reduces the amount of infill that is lost and boot cleaning and decontamination grates will be used at all entrances. The Ecologist has confirmed these measures are acceptable.

With regards to BNG, 4 small trees will be planted on site and enhancement of a small area of grassland is proposed on site however once these measures are taken into account, the BNG report and metric shows a net loss of 69% in habitat units which is classed as -1.56 units. It would not be possible to produce further on-site benefit due to the existing site constraints.

The scheme will provide 0.03 hedge units, resulting in a gain of 0.01 units and a 38% hedgerow BNG. However, this is not sufficient to cover the overall losses and off-site credits will be required to deliver a 10% net gain.

Where a development cannot achieve BNG either wholly or partly on site, then the developer can secure the unit shortfall by purchasing units from appropriate sites on the local net gain habitat market (habitat banks). This will be secured by condition.

The development will comply with ALP policies ENV DM5 and subject to conditions relating to the purchase of off-site units, it would deliver 10% biodiversity net gain.

PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the WSCC guidance on parking provision.

The site has a car park to the north with approximately 46 car parking spaces. The site is in a sustainable location, in close proximity to public transport with the nearest bus stop approximately 50m from the site and the Bognor Regis Railway station just over a 1km from the site.

No changes are proposed to the vehicular access or to the amount of parking provision. WSCC Highways acknowledge there may be additional traffic movements however do not anticipate a material impact on the highway and has no objection to the proposal.

It is evident from representations received that parking appears inadequate at the facility with vehicles using nearby residential roads. This appears to be predominately on match days where there are significant numbers of spectators which cannot be accommodated in the existing parking provision. Whilst the facility will likely be utilised more as a result of the surface enabling use in all weather conditions and the increase in opening hours, this does not mean that there would be match fixtures every evening which would result in spectators and an excessive parking demand. The use of the pitch during the week is for community based training sessions such as 5-a-side football and existing training sessions for BRFC. The development is highly unlikely to result in an everyday excessive number of spectators to that which that match days experience and would therefore not result in a noticeable

increase in traffic generation than compared to the existing usage.

A traffic management plan is proposed which would demonstrate how active travel will be promoted at the site and this will be conditioned. Staggered usage of the facility is proposed to enable time for vehicles to vacate the car park prior to the next users. This will be conditioned.

Policy 8b of the Bognor Regis Neighbourhood Plan states major development should demonstrate it does not impact on existing capacity of public highways to accommodate parking. No specific transport statement has been provided although there are details within the Design and Access Statement. As the use is existing and there will no change to the number of pitches being provided, the proposal would not result in a significant change to existing capacity which is accepted by WSCC highways.

Whilst no additional parking spaces are proposed, the proposed use will not give rise to an material daily increase in users which will result in a harmful impact upon the highway in compliance with ALP policy T SP1 and 8b of the Bognor Regis Neighbourhood Plan.

FLOOD RISK AND DRAINAGE

ALP policy W DM1 states all development must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Policy W DM3 relates to Sustainable Urban Drainage Systems. The site is in Flood Zone 1 and is not at risk of flooding now or in the future. A Drainage Statement have been submitted. This has been reviewed by the Lead Local Flood Authority (LLFA) and ADC Drainage.

The applicant demonstrated that the infiltration is not viable. The pitch is proposed to drain through permeable macadam to a subbase which acts as a surface water storage before discharging at a restricted rate via a network of pipes to a surface water sewer. It is claimed there are no existing watercourses in the vicinity although Arun mapping contradicts this. If connection to a watercourse is possible then this must be prioritised in accordance with the sustainable drainage hierarchy.

The LLFA objected and a checklist was provided regarding the information that is required to overcome this. Additional information has been provided to address the comments, although the objection has been maintained. ADC drainage have no objection to the proposal and have requested conditions. In this case ADC engineers accept it is unlikely the surface water drainage design would affect the layout or scale of the development, therefore the matter can be suitably dealt with via a pre-commencement condition.

Subject to conditions which would involve the submission of a full surface water drainage scheme, the proposal would comply with relevant development plan policies.

HEALTH AND WELLBEING

Policy HWB SP1 (ALP) requires all development to maximise the impact it can make to promoting healthy communities and reducing health inequalities. HWB SP1 (a) requires regard to be had to providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities. The development would promote the health and wellbeing of residents in the district through the ongoing promotion of sporting activities. The footpath around the pitch for spectators is also to be improved to ensure it is wide enough for all users to access.

The proposal complies with relevant development plan policies.

SUMMARY

The proposal complies with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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

The development is not CIL liable classified as other development.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan - 24-0212(G-222711) 01 Version 01
- Site Plan - 24-0212(G-222711) 02 Version 01
- Pitch Layout - 24-0212(G-222711) 03 Version 01
- Topographical Survey - 24-0212(G-222711) 04 Version 01
- Elevations - 24-0212(G-222711) 06 Version 01
- Lighting Design - 24-0212(G-222711) 05 Version 01

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

- 3 Use of the development shall not commence until a Parking and Travel Plan Statement which seeks to encourage occupants to travel using sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved. This shall include but is not limited to details of the staggered usage of the facility.

The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department of Transport or as advised by the Local Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Arun Local Plan policy T SP1.

- 4 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority. The full details submitted for approval shall include:

1. Winter groundwater monitoring,
2. Winter infiltration testing strictly in accordance with BRE DG 365 or similar approved,
3. Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy,
4. Impermeable area plan,
5. Calculations modelling the surface water drainage network for the following storm events:
 - a) 100% Annual Exceedance Probability
 - b) 10% AEP + climate change allowance
 - c) 3.3% AEP + climate change allowance
 - d) 1% AEP + climate change allowance

All storm events must include an allowance for urban creep and surcharged outfalls where appropriate,

6. Detailed drainage plans conforming to Local Planning Authority guidance,
7. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
8. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority.

Reason: In order to comply with Arun Local Plan policy W DM3 and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure surface water drainage is acceptable prior to the construction commencing.

- 5 Lighting of the Synthetic Pitch is to be at the reduced 120lux for all training type events on the facility, with the maximum illuminance setting only being utilised during match play use.

Reasons: In the interests of the amenities of the area and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies D DM1 and QE DM2.

- 6 The use hereby permitted shall be open between 09:00 to 22:00 hours - Monday to Friday and 08:00 - 18:00 hours Saturday, Sunday and Bank Holidays. The floodlights shall only be lit between the hours of 3pm and 10pm, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policy D DM1 and 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), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

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

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

- 8 Use of the development shall not commence until:
- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
 - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Arun Local Plan policy OSR DM1.

- 9 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G AGP and ancillary facilities including parking, toilets and changing on the site and include details of pricing policy, hours of use, access by non-club users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Arun Local Plan policy D DM1 and HWB SP1.

- 10 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:
1. A Biodiversity Gain Plan has been submitted to the planning authority, and
 2. The planning authority has approved the plan.

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

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed

by the Council prior to the commencement of the consented development please see the link:
<https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

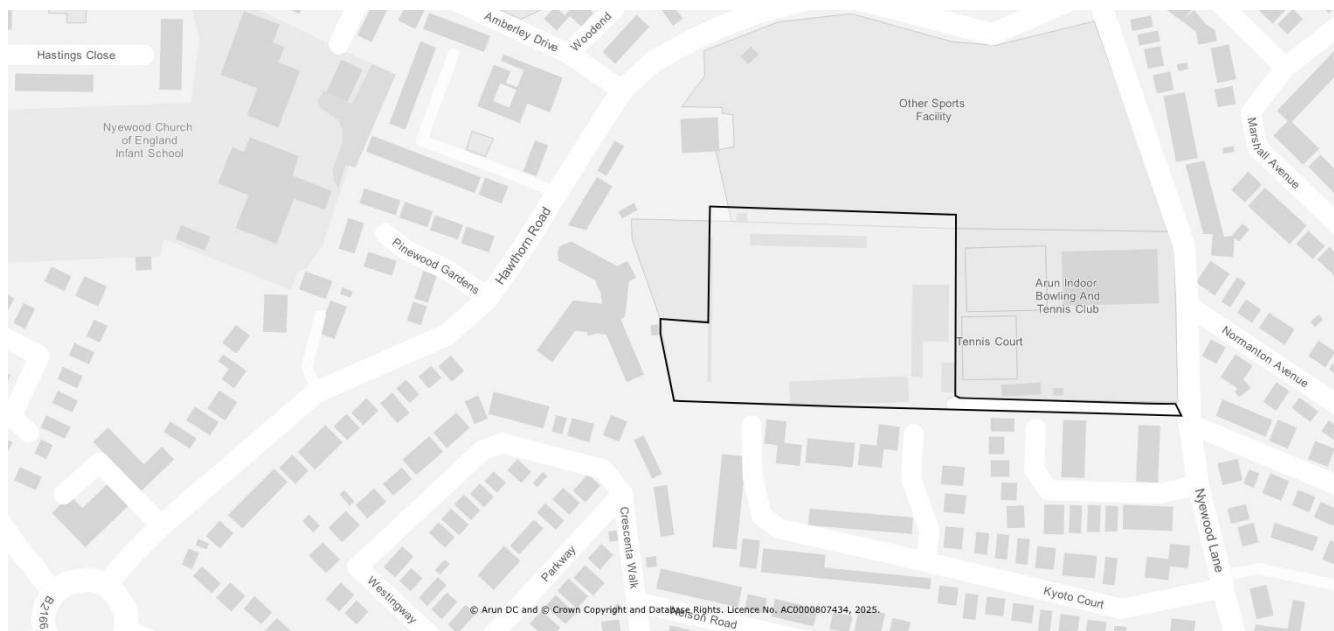
Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 11 INFORMATIVE: Artificial grass pitches for Steps 1 to 6 of the FA's National League System) - The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.
- 12 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

BR/236/24/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: WA/102/24/PL

LOCATION: Longacre The Street
Walberton
BN18 0PY

PROPOSAL: Erection of 6 No. dwellings with car ports and car parking along with a new ecology and open space area with use of existing access onto The Street. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the character and appearance of the Walberton Green conservation area, is in CIL Zones 2 and 3 and is CIL liable for new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the construction of 6 dwellings with a housing mix of 4 x 3 bed and 2 x 4 bed dwellings.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees on the site with two trees subject to a Tree Protection Order. 10 trees, groups and hedges are scheduled to be wholly or partially removed.
BOUNDARY TREATMENT	The site has 1.8m fencing to the west boundary. There is hedging on the north and east boundary with scattered trees present.
SITE CHARACTERISTICS	The site is on land which forms part of the rear gardens of two residential dwellings, Longacre and Mill Cottage. The site is largely maintained grassland.
CHARACTER OF LOCALITY	The area is residential.

REPRESENTATIONS

Walberton Parish Council - objection.

- The site is not allocated in the Neighbourhood Plan.
- Attention is drawn to the weight the NPPF gives to made plans.
- There are well known issues with drainage in Walberton.
- Any increase to the sewerage system cannot be supported.
- Traffic will be increased in conflict with policy GA5 of the WNP.
- No details regarding energy efficiency is proposed.
- Request a grampian condition to restrict occupancy until drainage is addressed.

20 objections received from nearby occupiers.

- Foul drainage is not suitable and will exacerbate existing issues.
- Flood risk.
- Inconsistent with Walberton Neighbourhood Plan.
- Overdevelopment/density is excessive.
- Concerns regarding construction traffic accessing the site.

- Insufficient infrastructure.
- Tree Loss.
- Adverse impact upon existing habitats.
- Increased traffic.
- Overlooking.
- Impact upon the dark night skies.
- Para 14 of the NPPF applies and the adverse impact would outweigh the benefits.
- The site abuts the Conservation Area.
- There is no public transport.
- Bats are on site.
- The access road will intersect the root protection area of neighbouring trees.
- The method of drainage is of concern.
- It detracts from the character of the area.
- The boundary fence will be degraded, located adjacent the access road.
- Concerns about the provision of utilities.
- Parking provision is inadequate.
- Negative effect on neighbouring bungalows.
- It will harm the rural character of Walberton.
- TPO trees will be affected.
- It may affect the settings of listed buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Ecology - No objection subject to conditions.

ADC Drainage Engineers - Objection. Request additional information

- Evidence of the existing drainage arrangements for Longacre.
- All watercourses and their easements clearly marked on the layout with no obstructions within those easements.
- Permission in principle to connect surface water to the culverted ordinary watercourse.
- Evidence that interception drainage is provided for all positively drained areas.
- Evidence that the surface water drainage proposals do not conflict with the existing trees and their root protection areas.

WSCC Minerals and Waste - No comment.

Portsmouth Water - No conditions to request.

Conservation Officer - No objection, request conditions.

Area Conservation Advisory Committee - No objection.

Southern Water - No objection subject to conditions.

WSCC Highways - No objection subject to conditions.

Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Additional information has been submitted to address drainage concerns and will be reported to members by an update.

POLICY CONTEXT

Designation applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Current/Future Flood Zone 1.
- High value trees on and overlapping site.
- TPO for 1no. beech (T34) and 1no. oak (T21).
- Listed Buildings and Locally Listed Buildings of Character within close proximity.
- Borders Walberton Green Conservation Area to the south-west.
- WSCC Sharp Sand & Gravel Mineral Safeguarding Area.
- Area of Advert Special Control.
- Lidsey Treatment Catchment Area.
- CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
WDM1	W DM1 Water supply and quality
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Joint Minerals Local Plan 2018:](#)

Joint West Sussex M9 Safeguarding Minerals

[Walberton Neighbourhood Plan Policy 2019-2031 GA5](#)

Traffic Management

[Walberton Neighbourhood Plan Policy 2019-2031 HP13](#)

Design Guidance

Walberton Neighbourhood Plan Policy 2019-2031 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2019-2031 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2019-2031 7 VE10	Biodiversity Corridors
Walberton Neighbourhood Plan Policy 2019-2031 VE5	Buildings and Structures of Character
Walberton Neighbourhood Plan Policy 2019-2031 VE8	'Unlit village' status
Walberton Neighbourhood Plan Policy 2019-2031 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2019-2031 VE7	Surface Water Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies with regard to Policy C SP1.

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. The site is in a countryside location where the principle of residential development is not permitted. The relevant Arun Local Plan policy SD SP2 (built up area boundaries) is considered out of date for the purposes of paragraph 11 of the NPPF as a 5 year housing land supply cannot be demonstrated (3.41 years). The development is on previously developed land albeit not within the settlement boundary. The development does not result in harm on the setting of the Walberton Green Conservation Area.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- 31.98% of habitats
- 13.68% of hedgerows

CONCLUSIONS

PRINCIPLE

The development is predominately outside the built-up area boundary. Policy C SP1 of the Arun Local Plan (ALP) 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. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2. Policy HP1 of Walberton Neighbourhood Development Plan (WNDP) states proposals for development outside of the BUAB will be supported where they accord with the countryside policies in the ALP.

The principle of the proposal conflicts with ALP and WNDP and policies which seek to direct development to within the BUAB. However, the site intersects the BUAB with the boundary running through the red edge of the site. The access to the development at the south is within the BUAB and the land in which the dwellings are situated on is outside. The site adjoins development to the north/north-east for 131 dwellings, with existing development to all boundaries of the site. The site is not in open countryside and infills gaps between existing/permitted development. Development on this site would not extend the built up limits of the settlement.

In February 2021, Arun published an Interim Statement Policy for Housing Delivery (IHS). This is not policy but was produced as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB runs through the site to the south. The IHS sets out criteria to help speed up determinations of suitable residential developments. The proposal meets all but one of the criteria (the exception being the site is not in the BUAB and scores highly against the criteria).

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered. ADC's Authority Monitoring Report (AMR) for 2023/24 confirms the current housing land supply in 3.41 years. In such circumstances Paragraph 11 (d) ii) of the NPPF is relevant. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for housing applications, where the Council cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as

a whole.

In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. Paragraph 8 of the NPPF sets out the three objectives of 'sustainable development'; economic, social and environmental. The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

The site is in a walkable distance to a small range of shops to the east on The Street. There are bus stops along The Street and Yapton Lane. These provide residents with access to services between Arundel, Barnham and Bognor Regis. There would be opportunities for occupiers of the development to access a broad range of facilities in the nearest towns by means other than the private car. The development would contribute 6 additional housing units with associated, albeit small scale, social and economic benefits. The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

Paragraph 14 of the NPPF is relevant and discusses the weight to be afforded to the Neighbourhood Plan. This states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement. The WDNP contains policies and allocations and is less than 5 years old and paragraph 14 is applicable. On this basis, the weight afforded to the conflict with the Neighbourhood Plan is significant.

Paragraph 125(c) of the NPPF is also relevant. This states decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. The NPPF definition of previously developed land is land which is or was occupied by a permanent structure, including the curtilage of development land. The definition of previously developed land excludes land in built-up areas such as residential gardens. The application site forms residential garden for two properties that are in the built up area but the curtilage of the dwellings is outside the built up area. Residential gardens outside built up areas are brownfield as confirmed in a High Court ruling in 2015. The weight afforded to the development on brownfield land as per the NPPF is substantial.

The principle of the proposal conflicts with the Arun Local Plan and with the WNDP. It is material that the Council cannot demonstrate an appropriate Housing Land Supply (HLS). Due to the HLS position, the application falls to be determined by the NPPF presumption in favour of sustainable development and the development on brownfield land is afforded significant weight. This will be assessed at the end of this report.

DESIGN, VISUAL AMENITY AND LANDSCAPING

Para 135 of the NPPF details design requirements for new developments. ALP policy D DM1 considers aspects of form and design quality. ALP policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area.

The Arun Design Guide (ADG) provides detailed guidance that help raise design standards. Section P refers to infill development and states that the scheme should emulate the established pattern of building height, scale, plot width, boundary treatment. Consideration must also be given to effects on the existing character and appearance of the streetscape and how this may be enhanced or preserved.

The proposal is to the rear of two residential gardens and represents a form of backland development.

There is an example of similar backland development to the rear of the Holly Tree Pub to the east. Due to development around the site at Mill Lane and The Street, views from the wider area are largely restricted.

The site will utilise the existing access from The Street which runs along the west elevation of Longacre. This extends through the centre of the site with sufficient space for a parking/turning area to the north.

The application proposes 6 dwellings (4 detached and 2 semi-detached). Two properties have detached car ports and one has an attached car port. The dwellings are to the north and western boundary of the site with an area of open space to the eastern side, visible upon entry. Part G of the ADG suggests a density for village locations of 15-25 dwellings per hectare (dph) for detached/semi-detached houses. 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 layout represents a density of 13 dph and this would be in accordance with the guidance. This would comply with WDNP policy HP11 which states density of new development shall be appropriate to its location.

The immediate character of the area features predominantly detached dwellings, although terraced are more traditional to the east of the site along The Street. The proposed dwellings appear comparable to those in the immediate vicinity.

The houses are of a traditional design and incorporate features such as traditional timber casement windows, arched courses over doors and windows, timber porches and chimneys. Materials differ across the site with properties featuring a variety of brickwork with tile hanging at first floor, white painted brickwork, timber boarding and flint work elevations. Timber windows would be in muted tones such as green and grey. Clay and slate roof tiles are proposed. The materials are acceptable and would remain in keeping with the locality, with similar features present along The Street.

Parking is alongside the dwellings in the form of tandem spaces for all but one unit and does not form a dominant feature. Hedging is proposed along front boundaries of dwellings to further enhance the character of the site and hardstanding is kept to a minimum.

20 new trees will be planted and the site plan demonstrates hedging on all plot boundaries and to the boundary of the open space/ecological area to the east of the site. No specific details have been provided with regards to the species or sizes of planting and a condition will be included for submission of a detailed landscaping scheme to ensure the mix and size will deliver an instant green feature. The open space/grassed area will be planted with seeded grassland.

No details of boundary fencing have been submitted however this is minimal across the site, predominately to the rear of sites between property boundaries and would not be readily visible from the street scene. Details of boundary treatments will be conditioned to ensure it remains in character with the wider area. The landscaping would appear acceptable subject to further specific detail.

Policy HP13 of the WDNP refers to design and states design must be of high quality and contribute to local character by creating a sense of place appropriate to its location. The proposal is in character with the wider area in terms of the scale and appearance of the buildings and is appropriate for its location.

Policy VE8 relates to the unlit village and proposals which detract from this will not be supported. No details are included with regards to external lighting and a condition will be included to ensure the amount proposed and the brightness levels are appropriate to the area.

The layout and design of the development appears appropriate to its setting and reflective of those in the local area and is in compliance with ALP policies D SP1 and D DM1 and relevant policies of the WDNP.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact on residential amenity. Policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land.

Part J of the ADG states new development should generally reflect the scale of existing buildings and avoid overshadowing of neighbouring properties. The ADG sets out the following guidance on interface distances between dwellings:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Rear gardens to be at least 10.5m deep and front gardens 2m deep;

Plot 3 to the west is slightly short of the 21m back to back separation to 1 & 2 Mill Cottages retaining 20.5m. There are two rear facing first floor windows to Plot 3 however these serve bathrooms and with the shortfall minor, it would not give rise to overlooking.

Separation distances are short with regards to the front to side distances between properties to the north at Plot 3 to 6, retaining approximately 5m. Whilst it does not comply, the front elevations of Plot 3 and 6 would overlook the blank side elevation of Plots 4 and 5 and any views would be impeded by boundary hedging and car parking. In this case, the shortfall would be acceptable.

Due to the siting of the dwellings, the proposal would not result in adverse overbearing or overshadowing with sufficient separation retained between neighbouring properties to the west and south. Boundary trees are retained and act as a landscape buffer between the new development and existing dwellings to the southwest which include Longacre, Honeywood House and Mill Cottages.

The adjoining land to the north and east of the site has permission approved by WA/126/22/RES for 131 dwellings. The land adjoining the site consists of open space which is to include SuDS features and several play areas. The site plan indicates that the dwellings closest to the site are single storey and that they sit back from the site boundary behind the open space buffer. The proposal would not result in adverse harm on the future occupiers of approved development to the rear.

The development would not result in adverse overlooking, overbearing or overshadowing on amenity in accordance with ALP policy D DM1.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

The development proposes 4 x 3 bed and 2 x 4 bed units. The floor space complies with that of the national space standards.

Policy H.04 of the ADG advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The development complies with the guidance providing residential rear gardens at least 10.5m deep. All front gardens also meet the requirements.

The site will provide an area of open space to the eastern side of the development. This is an additional communal space which could be utilised by occupiers.

The design provides a suitable internal and external space in compliance with ALP policy D DM2 and the ADG.

HIGHWAYS AND PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the ADC's Parking Standards SPD 2020.

For dwellings of this type and this location (Parking Behaviour Zone 4), the Council's Parking Standards require 2 spaces per dwelling for 3 bed dwellings and 3 spaces per dwelling for 4 bed dwellings. A total of 14 spaces are required and have been provided.

The Design Guide states 'on-plot parking in front of dwellings must be provided sensitively to ensure that this does not dominate frontages or detract from the character and quality of the street scene. The parking is predominately alongside the dwellings in the form of tandem spaces, although Plot 6 parking is to the southern side adjoining the open space but is screened with planting to reduce its view from the wider site. The proposal includes hedging and grassed areas to soften the frontages and as such complies with the guidance.

Visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. This would require 1 space. 3 spaces are provided and the proposal complies with the required parking provision.

The site access will be from an existing access to the west side of the existing dwelling at Longacre. A conservatory at Longacre will be removed to enable the access to be enlarged to 5.5m to accommodate two cars to pass each other. Visibility splays are acceptable and it has been demonstrated that access/egress for a refuse vehicle can be achieved.

Cycle storage is shown on the plans located to the rear garden of each of the dwellings.

Electric vehicle charging points should be provided at a rate of 1 charging point per house with a garage or parking space, as per the Council's Parking Standards and this will be conditioned.

Policy GA5 of the WDNP states proposals that significantly increase the level of traffic in the villages will be resisted. The transport statement states the development is likely to generate 3 two way trips during peak AM and PM hours and an average of 27 daily traffic movements. This will result in additional vehicular movements than at present. However, the amount generated is not significant and WSCC Highways do not consider the development would result in an unacceptable impact upon the highway and have no objection to the development.

The proposal complies with T SP1 of the Arun Local Plan, Arun Parking Standards SPD and GA5 of the WDNP.

HERITAGE

ALP Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. Policy HER DM3 outlines how the Council will preserve and enhance the character and appearance of the setting of conservation areas. Policy HER DM1 set out criteria for assessing the impact on proposals in relation to the setting of Listed Buildings. WDNP Policy VE 4 states that proposals that adversely affect the setting of the Conservation Areas will not be supported. Policy

VE5 relates to non-designated assets.

Para 207 of the NPPF requires the significance of the heritage asset affected. Paragraph 208 of the NPPF requires LPAs to identify and assess the significance of a heritage asset that may be affected by the proposal.

The site is not within a Conservation Area although the Walberton Green Conservation Area is in close proximity to the west. Walberton Green has its own distinct character, the focus of attention is upon an area of open green land, dissected by a number of roads forming a focal point for the area. The roads divide up the area into a number of smaller sections dominating the space. The absence of street furniture and limited paving is also a feature of the rural character. Nearby listed buildings at 15-20 The Street and non-designated assets have historical and architectural significance.

As the site is behind existing residential development, there is little opportunity to see the development in the context of various heritage assets. It may be possible to see roofs although appropriate materials lessen this impact. The development could lead to a potential erosion of the green buffer to the conservation area although this would be minimal. The design and layout is acceptable and is of low density in character, with small areas of open space and would be similar to other small back land developments in the village such as that behind the Holly Tree Public House to the east of the site.

The buildings reference the local vernacular and decorative quality found in the village from late 19th century. The materials look appropriate for its context and make references to the brick bond and window treatment which is positive. The success of the scheme would depend on materials and conditions will be applied to secure this.

The Conservation Officer considers the development acceptable in this location and noted it was positive to see properties read as a simple backland/courtyard development as opposed to a general estate development. The heritage statement provided considers the harm low in the spectrum of less than substantial harm and the Conservation Officer agrees with this conclusion. As a result, the public benefits of the scheme need to be determined.

Public benefit should flow from the development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The development would provide 6 dwellings which would bring associated benefits to the village such as spending at the local shops and village pub. The development is also on brownfield land. With the agreed harm low in the spectrum, in the case the public benefits would outweigh the harm identified.

The proposal complies with ALP policies HER SP1, HER DM3 and HER DM1 and VE4 and VE5 of the WDNP.

BIODIVERSITY

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and policy VE10 of WNDP states proposals which significantly harm biodiversity will not be supported.

The application is accompanied by an Ecological Appraisal. The site forms two residential gardens with the western part of the site, managed grassland with regular mowing and the eastern part of the site consisting of longer grassland used by free roaming chickens. The boundaries are bounded by hedgerows and Oak, Ash and Sweet Chestnut trees.

The ecological appraisal considers it likely that bats use the site to some degree for commuting and the boundary trees contribute to this although no evidence was found on site for bats. Existing outbuildings on site show no evidence of bats.

The grassland to the east however does provide suitable habitats for slow worms and a reptile survey did show evidence of a low populations of slow worms on site with a maximum of 2 found of one day. A reptile fence is required as part of the mitigation plan and translocation of the reptiles to the southeast of the site in the open space/ecological area will take place. The existing boundary hedgerow will be retained and protected during construction which will further protect the reptiles.

The submitted biodiversity net gain (BNG) assessment states that new a total net gain of 31.98% of habitats and 13.68% for hedgerows units will be achieved. This application is required to deliver statutory net gain and therefore this is acceptable.

The document proposes mitigation and enhancement measures which include bat boxes, bird boxes, fencing to allow hedgehog movement and stag beetle habitat piles. 20 trees will be planted on site, which will be native or wildlife beneficial species and to the southeast of the site, there will be an area of open space which will contribute towards ecology, being a reptile receptor area. The Councils Ecologist has no objection and recommends a number of conditions to secure details of enhancements and reptile relocation on the site.

The ecological impacts are assessed as being acceptable subject to conditions to securing mitigation and the development accords with ALP policy ENV SP1 and VE10 of the WDNP.

TREES

ALP policy D DM1 requires developments to incorporate new tree planting and to improve on character through landscaping. Policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland.

Policy VE3 of the WDNP relates to trees.

There is a TPO on site (TPO/WA/4/23). This relates to a Beech to the front garden and a Oak to the far eastern corner. The tree protection plan shows these trees will be retained and suitable tree protecting fencing will be installed to protect their root protection area (RPA). The Oak is to rear corner of Plot 6. This dwelling has a reasonable sized garden and it is not considered that there would be pressure to prune nor that it would result in adverse overshadowing upon occupiers.

Of the total 35 trees, groups and hedges surveyed on the site, 10 trees, groups and hedges are scheduled to be wholly or partially removed. 1 category B tree is proposed for removal and 3 individual trees, 5 groups and 1 hedge classified category C. 5 trees/groups will have activities arising within their RPA.

The trees/groups to be removed are under the footprint of the new dwellings. The category C trees vary in size but are predominately of poorer condition having been severely pruned in the past. One group is large although screened by another large tree which is to be retained and the loss if not deemed significant due to the retained surrounding trees.

The existing drive is compacted aggregate although this will need to be slightly widened and upgraded to service the development. The drive is in the RPA of 3 trees and it is likely they have rooted in the neighbouring garden where conditions are more favourable and extent of the works is unlikely to result in further harm. Protective barriers will be installed prior and during all construction and ground protection measures will be used to safeguard RPA. No comment has been received from the tree officer however the details contained with the Arboricultural Assessment and conditions for protective measures will be conditioned.

Whilst the development will result in trees being felled, no TPO trees are to be removed and removal has been kept to a minimum. The trees to be removed are small in size and/or in poor condition or positioned so that their loss is likely to have limited amenity implications in the locality and replaced trees will be planted across the site.

Subject to the necessary protective measures being installed, the development would not result in adverse harm upon the trees across the site in accordance with relevant policies.

FLOOD RISK AND DRAINAGE

Policy W DM1 of the ALP requires proposals to submit a Drainage Impact Assessment (DIA) that must take account of the individual and cumulative impact on foul water disposal, flood storage capacity and surface water drainage. Policy W DM3 of the ALP requires minor development proposals to incorporate SUDS in the private areas of the development in order to provide source control features to the overall SUDS design.

Policy VE7 of the WDNP relates to surface water flooding.

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. The site is in the Lidsey Wastewater Treatment Catchment Area. A Flood Risk Assessment and Sustainable Drainage Statement have been submitted.

Infiltration testing on site did show that soils were permeable at a slow rate and as such a 1m freeboard is not achievable on site and infiltration is not viable. There is piped watercourse which runs adjacent to the south boundary of the site. This discharges into a pond located to the southwest of the site. The drainage strategy will utilise a shallow attenuation system for the surface water drainage which will convey the surface water flows to the southern boundary where it will discharge into the piped watercourse. Water butts will be installed to all properties and garages to help capture run off.

ADC Engineers objected, with further information required although did note the proposed discharge method to a boundary culverted watercourse is supported based on the evidenced groundwater levels. Additional information has been submitted to address their concerns and further comments are awaited.

Foul drainage will be dealt with via a new connection to the foul sewer in The Street. Southern Water do not object and request a condition for details of the surface water and foul drainage strategy to be submitted prior to commencement. This has been agreed and would ensure that a suitable drainage strategy is achieved.

Further comments are awaited from ADC Engineers to confirm the surface water drainage strategy is acceptable however the inclusion of a condition will ensure that final details are approved prior to any development on site and would ensure that the development complies with ALP policy W DM1 and W DM3 and VE7 of the WDNP.

MINERALS SAFEGUARDING

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan (2018). 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 responded to consultation and stated they had no comment to make. There are no

conditions requested and the development complies with M9 of the WSCC Joint Minerals Local Plan.

OTHER CONSIDERATIONS - CIL

The Council adopted its CIL Charging Schedule on 01 April 2020. Applications will be subject to CIL payments where they fall in a charging zone detailed in the adopted Charging Schedule. In this instance, the site falls in CIL Charging 2.

SUMMARY AND RECOMMENDATION

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 3.41 years), paragraph 11(d) of the NPPF and the application of the 'presumption' in favour of sustainable development is triggered. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In respect of the part (ii) test, the report identifies that the proposal conflicts with the Council's policies in respect of development in the countryside.

The site is sustainable, and the scheme will result in benefits to the local and wider area such as new housing, the creation/retention of construction jobs, spending by future residents on local shops/services and biodiversity enhancements. Given the lack of a 5 year HLS the weight to be applied to the contribution of housing development to the HLS is significant weight. Limited weight is given to the economic benefits of the scheme and limited weight to the environmental benefits of the scheme, such as biodiversity enhancements. The site will also provide development on brownfield land which provides substantial weight albeit it is not within the settlement boundary as per the policy text.

With regards to Para 14 of the NPPF, the adverse impacts of the development would relate to the site being outside the built-up area which conflicts with BUAB policies and NP policy. However, this harm is substantially reduced as a result of the development adjoining the built-up area boundary which runs through the site and the fact that the application site is adjoined on its boundaries by existing and approved development. The site is on brownfield land and is not in open countryside in character.

In this case the presumption in favour of sustainable development is a material consideration which outweighs the conflicts with the development plan relating to the built-up area boundary. This is the case despite the conflicts with BUAB policies and provisions of paragraph 14 of the Framework. The adverse impacts do not significantly and demonstrably outweigh the benefits and the application is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan - 01
- Block Plan - 02 A
- Proposed Site Plan - 03
- Proposed Site Sections - 10
- Proposed Floor Plan and Elevations (carports) - 09
- Proposed Floor Plan and Elevations Plot 6 - 08
- Proposed Floor Plans and Elevations Plot 3 - 06
- Proposed Floor Plan and Elevations Plot 2 - 05
- Proposed Floor Plan and Elevations Plot 1 - 04
- Proposed Floor Plan and Elevations Plots 4 and 5 - 07 A
- Proposed Materials Plot 4/5/6 - 12
- Proposed Materials Plot 1/2/3 - 11
- Drainage Strategy Report 2025

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

3 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Reptile Mitigation Strategy shall include the following:

1. Purpose and conservation objectives for the proposed works.
2. Review of site potential and constraints.
3. Detailed design(s) and/or working method(s) to achieve stated objectives.
4. Extent and location/area of proposed works on appropriate scale maps and plans.
5. Type and source of materials to be used where appropriate, e.g., native species of local provenance.
6. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
7. Persons responsible for implementing the works.
8. Details of initial aftercare and long-term maintenance of the Receptor area(s).
9. Details for monitoring and remedial measures.
10. Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 4 No development/demolition/levels changes (apart from any survey works required by other conditions) shall take place and no machinery shall be introduced to the site, unless and until written confirmation supported by photographic evidence is provided from the Arboricultural Expert representing the site owner(s) to demonstrate that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the Tree Protection Plan within the 'Arboricultural Implications Assessment and Method Statement - 231579 AIA 3.'

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Arun Local Plan policies D DM1 and ENV DM4. It is necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 5 Construction of the development shall not commence until details of the means of foul sewerage have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

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

- 6 No development shall take place, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

1. Risk assessment of construction activities potentially damaging to biodiversity.

2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons and lines of communication.
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
8. Use of protective fences, exclusion barriers and warning signs.
9. Containment, control, and removal of any invasive non-native species present on site.

The approved CEMP (Biodiversity) 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), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 7 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority. The detailed design must be based upon and build on the surface water information submitted pursuant to condition 2. The full details submitted for approval shall include:

1. Detailed drainage plans conforming to Local Planning Authority guidance,
2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
3. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. No building shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority. The local authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: In order to comply with Arun Local Plan policies W DM1 and W DM3 and the NPPF.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

Arun Local Plan polices W DM1, W DM2 and W DM3. 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.

- 9 No development above damp-proof course (DPC) level shall take place until, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the ' Ecological Assessment V1' shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 10 Prior to the occupation of the development hereby approved, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) and GN08 2023. "Bats and Artificial Lighting at Night" but also:

1. Identify those areas/features on site that are particularly sensitive for bats or 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

2. 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.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white (The recommended Kelvin level is 2700) with a clear view, no UV a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

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

- 11 No development above damp-proof course (DPC) level shall take place until details of all external materials to be used on the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance

with the approved details and thereafter retained. This shall include details of the materials, finish, and colour.

Reason: To preserve the appearance and special character of the buildings for the future in accordance with Arun Local Plan policies HER SP1 and D DM1.

- 12 No development above damp-proof course (DPC) level shall take place until details of all walls and fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such walls and fences associated with them and the whole site have been erected.

Reason: In the interests of amenity in accordance with Arun Local Plan policy D DM1.

- 13 No development above damp-proof course (DPC) level shall take place until precise details of the construction of the flintwork shall be submitted to and approved by the Local Planning Authority and the details so approved shall be used in the construction of the buildings.

Reason: To preserve the appearance and special character of the building for the future in accordance Arun Local Plan policies HER SP1 and HER DM2 and the NPPF.

- 14 Prior to their insertion details of the windows and doors including their design/appearance (including elevation), specification, glazing bars, glazing (system), method of opening, decorative/protective finish (i.e. stain/paint and colour) and location within the reveal, in the form of drawings and sections of an appropriate scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors are installed.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policy HER SP1 and HER DM2.

- 15 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the 'Proposed Site Plan -03'. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Arun Local Plan policy T SP1.

- 16 All activity at the site is to be carried out in strict accordance with the 'Arboricultural Implications Assessment and Method Statement -231579 AIA 3.'

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in compliance with Arun Local Plan policy ENV DM4.

- 17 The 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 national planning policy and Arun Local Plan policy ECC SP2.

- 18 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 that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

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

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

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

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

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

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

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

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

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

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

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.

Designers are guided to refer to "Sustainable drainage systems: non-statutory technical standards" and The SuDS Manual by CIRIA as these guide our decisions about the design, maintenance, and operation of sustainable drainage systems. Supplementary guidance notes and design checklists regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> and <https://www.arun.gov.uk/surfacewater> on Arun District Council's website

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

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

- 24 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwellings shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 25 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.

- 26 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.

- 27 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

WA/102/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: Y/68/24/S73

LOCATION: Land south of A259 &
West of Stanhorn Grove

PROPOSAL: Variation of condition 1 (plans) following the grant of reserved matters Y/68/09 relating to the removal of on-site sports changing facilities, sports pitches and fencing, and replacement with public open space. This is a dual parish application with Felpham Parish Council.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Amend the approved plans of reserved matters Approval Y/68/09, following outline permission FP/92/04. Reserved matters (Y/68/09) approved the provision of a sports facility comprising a senior football pitch, two hard surface five-a-side pitches, a changing facilities building, and a 30 space car park. The changes would result in the removal of the formal sports pitches, sports facility and changing facility. The proposal would result in a retained vehicular access, parking, and the provision of open space.
SITE AREA	2.3 hectares.
TOPOGRAPHY	The site is relatively flat with levels ranging from 2.0 metres AOD to 4.0 metres AOD and a general fall from north east to south west, towards the ditch.
TREES	There are several larger tree specimens along the western boundary of the site. The eastern boundary is bounded by an existing hedgerow which is approximately 2m in height.
BOUNDARY TREATMENT	There are two drainage ditches which run alongside the northern and western boundaries. The A259 and pedestrian footpath adjoin the sites eastern boundary.
SITE CHARACTERISTICS	The site is an open field which is located on the northern edge of Blake's Mead. The northern part of the site falls within the administrative boundary of Yapton Parish, and the southern part falls within the boundary of Felpham Parish. The site is located west of the Charles Purley Way (the A259) and is screened from view by a landscaped bund topped by timber acoustic fencing.
CHARACTER OF LOCALITY	The area to the north of the application site and the land to the east of the the A259 is agricultural land. To the west of the site, there is an existing golf course which contains well established trees which are appreciable in views from the site. To the south, the settlement of Felpham is located.

RELEVANT SITE HISTORY

FP/248/20/PL	Revised details relevant to the sport pitch & changing facilities building (previously approved under Y/68/09/). This site also lies within the parish of Yapton & is in CIL Zone 4 (Zero Rated) as other development.	App Cond with S106 18-02-22
FP/103/19/PL	Amendment to Planning Reference Y/68/09 to replace sports pitch with a public amenity area.	Refused 30-04-20
Y/68/09/	Reserved matters application pursuant to outline permission FP/92/04 Condition 1 (j) and (l) (part) relating to details of the sports changing facilities, layout of sports pitches, safety fencing	ApproveConditionally 14-01-10
FP/92/04/	Outline Application for residential development and associated uses forming part of policy site 6. Construction of the Bognor Regis Northern Relief Road from A259 at Felpham to A29 (This application is accompanied by an environmental statement and affects a public right of way)	Called In by DCLG/SD 30-11-04 Appeal: Allowed+Conditions 22-11-06

Blake's Mead comprises five phases of residential development, all of which are completed and occupied. The land for the sports pitches and the changing facilities building were planned to be complimentary infrastructure, supporting and enhancing the residential development at Blake's Mead.

REPRESENTATIONS

Felpham Parish Council: No objection, however, has concerns regarding the access and security arrangement that will be required to deter illegal encampments. Further attention will also be needed to ensure that vandalism and unauthorised use of the care park areas does not occur.

Yapton Parish Council: Objection. Yapton Parish Council do not support the principle of the removal of the sports provision given the lack of affordable and accessible youth facilities. This is exacerbated by the increase in participation in U18 women's football. A football pitch would bring significant social benefit, and this loss would be detrimental.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments from the Parish Council's are noted. The matters relating to principle, security and access are dealt with below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Greenspace Officer: No objection to the amended plans. Support is given for the scheme in terms of its landscaping treatment, and associated street furniture. There is adequate fencing and height barriers to the parking area to ensure use of the space is not accessible by unauthorised vehicles. Conditions to secure hard and soft landscaping planting specifications are required.

Ecology Officer: No objection, however would encourage the provision of more log piles, and incorporate bird and bat boxes on existing trees. In addition, some concern has been raised regarding wildflower meadow treatments in close proximity to the tree planting as this won't be successful long term.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within the Built Up Area Boundary (BUAB) in the existing Local Plan. Also formed part of the strategic site allocation within the previous Local Plan.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
TDM1	T DM1 Sustainable Travel and Public Rights of Way

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The application site falls within two Parish Councils; Yapton and Felpham. The Yapton Neighbourhood Plan 2 was made on 8 November 2023. Felpham Neighbourhood Development Plan 2019 - 2031 was made on 17 March 2021. Both Neighbourhood Plans form part of the Development Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it accords with policies SD SP2 as it is located within the Built Up Area Boundary and OSR DM1 which relates to protection of open space.

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 other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below.

BIODIVERSITY NET GAIN

This application is not liable for mandatory 10% Biodiversity Net Gain (BNG) as the outline permission was consented prior to the legislation coming into force. However, the Arun Local Plan policies relating to biodiversity still apply (e.g. ENV DM5).

CONCLUSIONS

PRINCIPLE

The outline planning permission (planning reference FP/92/04) of the development of Site 6 was granted at appeal on 22 November 2006 to provide the residential development known as Site 6 on the edge of Felpham. As part of the planning permission and the associated Section 106 legal agreement, the site was required to deliver a range of facilities comprising public open space, sports provision, community arts, changing facilities and a community building. These facilities were secured in accordance with the council's planning policy at the time of the application. This application relates to part of the site which sought to deliver the changing facility, 1 x senior football pitch, 2 x hard surfaced five-a-side pitches and a 30 space car park.

Since the development gained planning permission the council have developed guidance for sports provision through a Playing Pitch Strategy (Updated March 2019) to support the Arun Local Plan which is in line with sporting bodies policies including that of Sport England. Whilst now out of date, it assessed existing need across the district and identified central existing assets which could be improved to create central hubs and benefit the wider community.

On 27 February 2023, Arun District Council considered a report at the Environment Committee which

related to the need for the approved sports provision in this location. The recommendation was to remove the sports provision on this part of the site and provide landscaped open recreation space in its place which would be offered to Arun District Council. The open space included additional planting, but provided a primarily informal open space for recreation. This would also be supplemented with an off-site financial contribution to deliver improvements at the King George V play area and a commuted sum towards the Public Open Space maintenance.

The Environment Committee RESOLVED that:

- 1) The provision of an off-site sum in lieu of provision of sports facilities on site at Blakes Mead, Felpham to support local outdoor sports facilities whilst retaining the site as public open space, which aligns with the council's outdoor sports strategy, be approved
- 2) The drawdown of the off-site sum, the project management sum and Public Open Space commuted maintenance sum be approved. The off-site sum expenditure will follow further review of the local facilities for the development of the sports facilities projects in the Felpham area.

The change from sports pitch to open space would still accord with Policy OSR DM1 of the Arun Local Plan which seeks to retain and protect existing sport, community and open space provision in the district. Therefore, the principle of the development, which has been approved by members and forms a material planning consideration, is acceptable.

During the lifetime of the application, an amended plan was received by the applicant in order to address comments by Yapton Parish Council and align the open space to better reflect what was considered and approved at the Environment Committee. Originally, the proposal was provided as a heavily planted orchard space, however concerns were raised that this did not provide a landscaped open area which could also be used for recreation. Amended plans were submitted which now seek to provide a substantially increased informal open space to allow for informal recreation and kickabout areas.

LANDSCAPING AND ECOLOGY

The planning permission was granted in 2006, which predates the mandatory requirement for 10% Biodiversity Net Gain. However, Policy ENV DM5 of the Arun Local Plan, which seeks to achieve a Biodiversity Net Gain, is still relevant to this application.

Additional trees over and above that approved under the reserved matters permission (Y/68/09) have been proposed within this application to support biodiversity in accordance with ENV DM5 of the Arun local Plan. 71no. trees are proposed within this application compared to 27no. approved under Y/68/09. In addition, a mixed native hedgerow would also be provided on the boundaries of the site. Details of the species and the size of trees and hedgerows at the time of planting is included within the application which are acceptable. Concern has been raised about the long term establishment of wildflower meadows close to trees, however this would be managed to maintain flower diversity and is supported nonetheless. Regardless of the success of the wildflowers, the proposal would still deliver a Biodiversity Net Gain and would be in accordance with policy ENV DM5 of the Arun Local Plan.

Two deadwood log piles would be provided within the site, which would provide additional habitats for wildlife. The Ecology Officer supports this provision however suggests an additional two log piles and some bird/bat boxes on existing trees to further enhance the habitats available on this site. These additional measures could be secured through a suitably worded condition (Condition 2).

Two timber picnic benches are proposed so that visitors can further enjoy the open space, however additional timber benches have been recommended and could be secured through condition. Bins are

located close to the parking area, which is acceptable to the Greenspace Officer. Details of the specification of the bins and seats will need to be secured by condition.

An interpretation board has been proposed at the entrance of the car park area to inform the public on the open space and this is considered appropriate.

The development is acceptable in relation to landscaping, biodiversity and ecology subject to conditions. Therefore, the proposal accords with policies D SP1, D DM1, and ENV DM5 of the Arun Local Plan.

PARKING

The Arun parking Standard SPD states that for non-residential uses, the amount of parking provided should be determined on a case by case basis. The site would support the retention of existing hardstanding (38m x 15m), which would facilitate informal vehicular parking in order to allow access for all users, and in particular those with reduced mobility. The proposal would provide for approximately 30 parking spaces. Comments were received from the Landscape Officer querying the level of parking and whether or not this could be reduced in order to better reflect the demand of the public open space. However, the proposed parking provision makes use of an existing sub-base which was delivered as part of works approved under the reserved matters application. The proposed parking would remain unmarked, and therefore the likely capacity of the car park would be less, and as such the overall parking provision is deemed to be acceptable.

No details of hard landscaping have been provided, specifically the treatment of the parking area, however this detail could be adequately secured through condition (Condition 5).

The parking area would have a height restriction barrier with swing gate and a fold down bollard would also be provided to enhance security of the site. The parking area would be surrounded by a knee rail fence to further protect the open space from unauthorised vehicular access.

No cycle parking has been proposed, however this detail can be adequately secured through condition (Condition 5) and provided to maximise walking and cycling to the open space.

The proposed development would accord with the Arun Parking Standard SPD and policies T DM1 of the Arun Local Plan.

SECTION 106

As part of the application, a deed of variation (DOV) is required to the original Section 106 agreement to remove the requirement to deliver the pitches and sports buildings, and instead provide a financial contribution and commuted sum for maintenance.

The Greenspace Officer has also advised that a minimum 12 months defects liability period should also be secured through the DOV.

RECOMMENDATION

It is recommended that Planning Committee delegate authority to the Group Head of Planning in consultation with the Chair or Vice Chair authority to approve the application subject to completion of a signed Deed of Variation to the Section 106.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not liable to CIL as no new buildings are created.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be implemented in accordance with the approved plans as below:

Site location plan 1000 A
Detailed Landscape Plan GLS_020_119_1300 Rev D
Tree pit detail - single staked 1700

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Notwithstanding the approved details, prior to the commencement of any further development hereby permitted, full details of all ecological measures shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

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

- 3 Prior to the implementation of any planting, planting specification details shall be submitted to and approved in writing by the Local Planning Authority. Details such as staking, rabbit/trimmer guard and basal treatment shall be submitted, and implemented in full accordance with the approved details.

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

- 4 Notwithstanding the approved details, prior to the open space coming into use all details of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. This includes but is not limited to details of hard surfacing, bins, cycle stands, seating, knee rail and interpretation boards.

The development shall thereafter be implemented in full accordance with the approved details and within 6 months of the approval of the details.

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

- 5 INFORMATIVE: Please note that this application has a Section 106 legal agreement relating to outline planning permission ref: FP/92/04/, under Section 106 of the Town and Country Planning Act 1990.

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 by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

Y/68/24/S73 - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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